

UNITED STATES STATUTES AT LARGE

CONTAINING THE
LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
NINETY-FIFTH CONGRESS
OF THE UNITED STATES OF AMERICA

1977

AND

REORGANIZATION PLANS,
RECOMMENDATIONS OF THE PRESIDENT
AND PROCLAMATIONS

VOLUME 91

IN ONE PART



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FIRST SESSION, 1977

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95-6	<i>Fishery Conservation Zone Transition Act.</i> JOINT RESOLUTION To give congressional approval to certain governing international fishery agreements negotiated in accordance with the Fishery Conservation and Management Act of 1976, and for other purposes	Feb. 21, 1977	14
95-7	<i>Economic report, time extension.</i> JOINT RESOLUTION Extending the filing date of the 1977 Joint Economic Report	Feb. 23, 1977	17
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ENACTED DURING THE
FIRST SESSION OF THE NINETY-FIFTH CONGRESS
OF THE
UNITED STATES OF AMERICA

Begun and held at the City of Washington on Tuesday, January 4, 1977, and adjourned sine die on Thursday, December 15, 1977. Until noon January 20, 1977, GERALD R. FORD, President; NELSON A. ROCKEFELLER, Vice President; THOMAS P. O'NEILL, JR., Speaker of the House of Representatives; from January 20, 1977, JIMMY CARTER, President; WALTER F. MONDALE, Vice President; THOMAS P. O'NEILL, JR., Speaker of the House of Representatives.

Public Law 95-1
95th Congress

Joint Resolution

To authorize the United States Secret Service to continue to furnish protection to certain former Federal officials or members of their immediate families.

Jan. 19, 1977
[S.J. Res. 12]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Secret Service, in addition to other duties now provided by law, is authorized to furnish protection to a person who (a) as a Federal Government official has been receiving protection by the United States Secret Service for a period immediately preceding January 20, 1977, or (b) as a member of such official's immediate family has been receiving protection by either the United States Secret Service or other security personnel of the official's department immediately preceding January 20, 1977, if the President determines that such person may thereafter be in significant danger: *Provided, however,* That protection of any such person shall continue only for such period as the President determines and shall not continue beyond July 20, 1977, unless otherwise permitted by law.

Secret Service
protection to
certain former
Federal officials.
18 USC 3056
note.

Approved January 19, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

Jan. 14, considered and passed Senate:

Jan. 17, considered and passed House.

Public Law 95-2
95th Congress

An Act

Feb. 2, 1977

[S. 474]

To authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Natural Gas Act of 1977".

Emergency
Natural Gas Act
of 1977.
15 USC 717 note.

DEFINITIONS

15 USC 717 note.

SEC. 2. As used in this Act:

(1) The term "high-priority use" means—

(A) use of natural gas in a residence;

(B) use of natural gas in a commercial establishment in amounts of less than 50 Mcf on a peak day; or

(C) any other use of natural gas the termination of which the President determines would endanger life, health, or maintenance of physical property.

15 USC 717a.

(2) The term "interstate pipeline" means any natural-gas company, as defined in section 2(6) of the Natural Gas Act, which is engaged in the transportation by pipeline of natural gas.

(3) The term "intrastate pipeline" means any person (other than an interstate pipeline) engaged in the transportation by pipeline of natural gas.

15 USC 717w.
15 USC 717.

(4) The term "interstate natural gas" means natural gas (other than natural gas transported pursuant to a transportation certificate issued under 18 C.F.R. 2.79) transported by an interstate pipeline in a facility which is certificated under the Natural Gas Act or which would be required to be so certificated but for section 1(c) of such Act.

(5) The term "local distribution company" means any person (including a governmental entity) which receives natural gas for local distribution and resale to natural gas users.

(6) The term "antitrust laws" means the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12, 13, 14-19, 20, 21, 22-27), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8-9), and the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a), and similar State laws.

(7) The term "State" means any State of the United States and the District of Columbia.

PRESIDENTIAL DECLARATION

Natural gas
emergency.
15 USC 717 note.

SEC. 3. The President may declare a natural gas emergency if he finds that a severe natural gas shortage endangering the supply of natural gas for high-priority uses exists or is imminent in the United States or in any region thereof and that the exercise of his authorities under section 4 is reasonably necessary, having exhausted other remedies to the maximum extent practicable, to assist in meeting requirements for such uses. Such emergency shall be terminated when the President finds that such shortages no longer exist and are no longer imminent.

Termination.

EMERGENCY DELIVERIES AND TRANSPORTATION OF NATURAL GAS

SEC. 4. (a) (1) If the President finds it necessary to assist in meeting the requirements for high-priority uses of natural gas (including short-term storage replenishment or injection for protection of high-priority uses), on the basis of a notification by the Governor of any State pursuant to subsection (c) or on the basis of other information available to the President, the President may, during a natural gas emergency declared under section 3, by order, require—

15 USC 717 note.

(A) any interstate pipeline to make emergency deliveries of, or to transport, interstate natural gas to any other interstate pipeline or to any local distribution company served by an interstate pipeline for purposes of meeting such requirements;

Requirements for delivery by interstate or intrastate pipelines.

(B) any intrastate pipeline to transport interstate natural gas from any interstate pipeline to another interstate pipeline or to any local distribution company served by an interstate pipeline for purposes of meeting such requirements; or

(C) the construction and operation by any pipeline of any facilities necessary to effect such deliveries or transportation.

No such delivery or transportation may continue after April 30, 1977, or after the President terminates the emergency declared under section 3, whichever is earlier.

(2) No order may be issued under this subsection unless the President determines that such order will not—

Order, restrictions.

(A) create for the interstate pipeline delivering interstate natural gas a supply shortage which will cause such pipeline to be unable to meet the requirements for high-priority uses served, directly or indirectly, by such pipeline;

(B) result in a disproportionate share of deliveries or curtailments of natural gas experienced by such interstate pipeline when compared to deliveries and resulting curtailments which are experienced as a result of orders applicable to other interstate pipelines (as determined by the President); and

(C) require transportation of natural gas by any pipeline in excess of its available transportation capacity.

(3) In issuing such order the President shall also consider the relative availability of alternative fuel to users of the interstate pipeline ordered to make deliveries pursuant to this section.

Alternative fuel, availability.

(b) Compliance by any pipeline with an order issued under subsection (a) shall not subject such pipeline to regulation under the Natural Gas Act (15 U.S.C. 717 et seq.) or to regulation as a common carrier under any provision of State or Federal law. No action required to be taken under an order issued under subsection (a) shall be subject to any provision of the Natural Gas Act and any such order shall supersede any provision of a certification, or other requirement, under the Natural Gas Act which is inconsistent with such order.

(c) (1) The Governor of any State may notify the President of any finding by such Governor that a shortage of natural gas within such State, endangering the supply of natural gas for high-priority uses, exists or is imminent and that the State, and agencies and instrumentalities thereof, have exercised their authority to the fullest extent practicable and reasonable under the circumstances to overcome such shortage.

Notification of shortage by State Governor.

(2) The Governor shall submit, together with any notification under paragraph (1), information upon which he has based his finding under such paragraph, including—

(A) volumes of natural gas required to meet the requirements for high-priority uses in such State;

(B) information received from persons in the business of producing, selling, transporting, or delivering natural gas in such State as to the volumes of natural gas available in such State; and

(C) such other information as the Governor determines appropriate to apprise the President of emergency deliveries and transportation of interstate natural gas needed in such State.

(d) The President may request that representatives of interstate pipelines, intrastate pipelines, local distribution companies, and other persons meet and provide assistance to the President in carrying out his authority under this section.

Authority to
obtain
information.

(e) (1) In order to obtain information to carry out his authority under this Act, the President may—

(A) sign and issue subpoenas for the attendance and testimony of witnesses and the production of books, records, papers, and other documents;

(B) require any person, by general or special order, to submit answers in writing to interrogatories, requests for reports or for other information, and such answers shall be made within such reasonable period, and under oath or otherwise, as the President may determine; and

(C) secure, upon request, any information from any Federal department or executive agency.

Compliance
order.

(2) The appropriate United States district court may, upon petition of the Attorney General at the request of the President, in the case of refusal to obey a subpoena or order of the President issued under this subsection, issue an order requiring compliance therewith, and any failure to obey an order of the court may be punished by the court as a contempt thereof.

Compensation.
Hearing;
supplemental
order.

(f) (1) If the parties to any order issued under subsection (a) fail to agree upon the terms of compensation for deliveries (which may include compensation in kind) or transportation required pursuant to such order, the President, after a hearing held either before or after such order takes effect, shall, by supplemental order, prescribe the amount of compensation (which may include compensation in kind) to be paid for such deliveries or transportation and for any other expenses incurred in delivering or transporting such gas.

(2) If, for the purpose of a supplemental order pursuant to paragraph (1), the party making emergency deliveries pursuant to subsection (a)—

(A) indicates a preference for compensation in kind, the President shall direct that compensation in kind be provided by August 1, 1977, to the maximum extent practicable,

(B) indicates a preference for compensation, or the President determines pursuant to paragraph (A) of this subsection that any portion thereof cannot practicably be compensated in kind, the President shall calculate the amount of compensation for deliveries of natural gas, based upon the amount required to make the interstate pipeline delivering such natural gas and its local distribution companies whole for loss of sales resulting therefrom; including the actual amount paid by such interstate pipeline or any of its local distribution companies for the volumes of natural gas or higher cost gas such as synthetic natural gas which were needed to replace natural gas delivered pursuant to an order under subsection (a); and for transportation, storage, and other expenses, based upon reasonable costs, as determined by the President.

(g) In order to effect the purposes of this Act, the President shall monitor the operation of any order made pursuant to this section to assure that natural gas delivered pursuant to this section is applied to high-priority uses only.

Delivery to high-priority users only.

ANTITRUST PROTECTIONS

SEC. 5. (a) There shall be available as a defense for any person to civil or criminal action brought for violation of the antitrust laws (or any similar law of any State) with respect to any action taken or meeting held pursuant to a request or order of the President under section 4 (a) or (d) of this Act, if—

15 USC 717 note.

- (1) such action was taken or meeting held solely for the purpose of complying with the President's request or order;
- (2) such action was not taken for the purpose of injuring competition; and
- (3) such person complied with the requirements of subsection (b) of this section.

Persons interposing the defense provided by this subsection shall have the burden of proof, except that the burden shall be on the person against whom the defense is asserted with respect to whether the actions were taken for the purpose of *injuring competition*.

(b) A meeting held pursuant to a request by the President under section 4(d) or pursuant to an order under section 4(a) complies with the requirements of subsection (a) if—

- (1) there is present at such meeting a full-time Federal employee designated for such purposes by the Attorney General;
- (2) a full and complete record of such meeting is taken and deposited, together with any agreements resulting therefrom, with the Attorney General, who shall make it available for public inspection and copying;
- (3) the Attorney General and the Federal Trade Commission have the opportunity to participate from the beginning in the development and carrying out of agreements and actions under sections 4(a) and 4(d), in order to propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this Act; and
- (4) such other procedures as may be specified in such request or order are complied with.

EMERGENCY PURCHASES

SEC. 6. (a) The President may authorize any interstate pipeline or local distribution company served by an interstate pipeline (or class or category of such pipelines or companies) to contract, upon such terms and conditions as the President determines to be appropriate (including provisions respecting fair and equitable prices), for emergency supplies of natural gas for delivery before August 1, 1977—

15 USC 717 note.

- (1) from any producer of natural gas (other than a producer who is affiliated with the purchaser as determined by the President) if (A) such natural gas is not produced from the Outer Continental Shelf and (B) the sale or transportation of such gas was not, immediately before the date on which such contract was entered into, certificated under the Natural Gas Act, or

15 USC 717w.

- (2) from any intrastate pipeline, local distribution company, or other person (other than in interstate pipeline or a producer of natural gas).

Emergency
purchase
contract; court
approval.

15 USC 717w.

The President may not authorize any emergency purchase contract under this subsection for emergency supplies of natural gas for sale and delivery from any intrastate pipeline which is operating under court supervision as of January 1, 1977, unless the court approves.

(b) (1) The provisions of the Natural Gas Act shall not apply—

(A) to any sale of natural gas to an interstate pipeline or local distribution company under the authority of subsection (a) or to any transportation by an intrastate pipeline in connection with any such sale; or

(B) to any natural gas company (within the meaning of the Natural Gas Act) solely by reason of any such sale or transportation.

(2) In exercising its authority under the Natural Gas Act, the Federal Power Commission shall not disallow, in whole or in part, recovery by any interstate pipeline, through the rates and charges made, demanded, or received by such pipeline, the amounts actually paid by it for natural gas purchased, transported, or other costs incurred pursuant to subsection (a).

(c) (1) The President may, by order, require any pipeline to transport such natural gas, and to construct and operate such facilities for transportation of natural gas, as may be necessary to carry out contracts authorized under subsection (a). The costs of any such required construction shall be paid by the party receiving such natural gas. No such order shall require any pipeline to transport any natural gas in excess of such pipeline's available capacity.

(2) Compliance by any pipeline with any order under this subsection shall not subject such pipeline to regulation under the Natural Gas Act or to regulation as a common carrier under any provision of State law.

“Outer
Continental
Shelf.”

(d) As used in this section, the term “Outer Continental Shelf” has the same meaning as such term has under section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

ADJUSTMENT IN CHARGES FOR LOCAL DISTRIBUTION COMPANIES

15 USC 717 note.

SEC. 7. Compensation received by an interstate pipeline pursuant to section 4 in excess of the amount such pipeline would have charged its local distribution companies shall be credited to such local distribution companies in proportion to their share of any natural gas not delivered together with credits necessary to make whole any local distribution company which replaced such natural gas with higher cost gas such as synthetic natural gas as prescribed in section 4(f)(2)(B). Compensation paid by an interstate pipeline for deliveries or emergency purchases of natural gas pursuant to section 4 or section 6 shall be charged to such interstate pipeline's local distribution companies in proportion to their share of such natural gas deliveries or purchases.

RELATIONSHIP TO NATURAL GAS ACT

15 USC 717 note.

SEC. 8. Except as expressly provided in this Act, nothing contained in this Act shall be interpreted to change, modify, or otherwise affect rules, regulations, or other regulatory requirements or procedures of the Federal Power Commission pursuant to the provisions of the Natural Gas Act.

15 USC 717w.

EFFECT OF CERTAIN CONTRACTUAL OBLIGATIONS

15 USC 717 note.

SEC. 9. (a) There shall be available as a defense to any action brought for breach of contract under Federal or State law arising out

of any act or omission that such act was taken or that such omission occurred for purposes of complying with any order issued under section 4(a).

(b) Any contractual provision—

(1) prohibiting the sale or commingling of natural gas subject to such contract with natural gas subject to the provisions of the Natural Gas Act, or

(2) terminating any obligation under any such contract as a result of such sale or commingling,

is hereby declared against public policy and unenforceable with respect to such natural gas if an order under section 4(a) or an authorization under section 6(a) applies to the delivery, transportation, or contract for supplies of such natural gas.

(c) The amounts and prices of any natural gas purchases pursuant to an order under section 4(a), an authorization under section 6(a), or a contract entered into pursuant to 18 C.F.R. 2.68 after the date of the enactment of this Act and before August 1, 1977, shall not be taken into account for purposes of any contractual provision which determines the price of any natural gas (or terminates the contract for the sale of natural gas) on the basis of sales of other natural gas.

Prohibition of sale or commingling of natural gas.

ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

SEC. 10. (a) Subchapter II of chapter 5 of title 5 of the United States Code (other than sections 554, 556, and 557 thereof) shall apply to orders and other actions under this Act.

15 USC 717 note.
5 USC 551.

(b) Except with respect to enforcement of orders or subpoenas under section 4(e), the Temporary Emergency Court of Appeals, established pursuant to section 211(b) of the Economic Stabilization Act of 1970, as amended, shall have exclusive original jurisdiction to review all civil cases and controversies under this Act, including any order issued, or other action taken, under this Act. The Temporary Emergency Court of Appeals shall have exclusive jurisdiction of all appeals from the district courts of the United States in cases and controversies arising under section 4(e) of this Act; such appeals shall be taken by the filing of a notice of appeal with the Temporary Emergency Court of Appeals within thirty days of the entry of judgment by the district court.

12 USC 1904
note.

Filing of notice of appeal.

(c) Prior to a final judgment, no court shall have jurisdiction to grant any injunctive relief to stay or defer the implementation of any order issued, or action taken, by the President under this Act.

ENFORCEMENT

SEC. 11. (a) Any person who violates an order or supplemental order issued under section 4 or an order under section 6(c) shall be subject to a civil penalty of not more than \$25,000 for each violation of such order. Each day of violation shall constitute a separate offense.

15 USC 717 note.

(b) Any person who willfully violates an order or supplemental order issued under section 4 or an order under section 6(c) shall be fined not more than \$50,000 for each violation of such order. Each day of violation shall constitute a separate violation.

(c) Whenever it appears to the President that any individual or organization has engaged, is engaged, or is about to engage in acts or practices constituting a violation of any order issued under section 4(a), any supplemental order issued under section 4(f), or any order under section 6(c), the President may request the Attorney General to bring a civil action to enjoin such acts or practices and, upon showing, a temporary restraining order or preliminary or permanent

Mandatory
injunctions.

injunction shall be granted without bond. In any such action, the court may also issue mandatory injunctions commanding any person to comply with any such order or supplemental order.

REPORTING

Report to
President.
15 USC 717 note.

SEC. 12. (a) In issuing any order under section 4(a) or granting any authorization under section 6, the President shall require that the prices and volumes of natural gas delivered, transported, or contracted for pursuant to such order or authorization shall be reported to him on a weekly basis and such reports shall be made available to the Congress.

Report to
Congress.

(b) The President shall report to Congress not later than October 1, 1977, respecting his actions under this Act.

DELEGATION OF AUTHORITIES

15 USC 717 note.

SEC. 13. The President may delegate all or any portion of the authority granted to him under this Act to such executive agencies (within the meaning of 5 U.S.C. 105) or officers of the United States as he determines appropriate, and may authorize such redelegation as may be appropriate. Except with respect to section 552 of title 5 of the United States Code, any officer or executive agency of the United States to which authority is delegated or redelegated under this Act shall be subject only to such procedural requirements respecting the exercise of such authority as the President would be subject to if such authority were not so delegated.

PREEMPTION OF INCONSISTENT STATE OR LOCAL ACTION

15 USC 717 note.

SEC. 14. Any order issued pursuant to this Act shall preempt any provision of any program for the allocation, emergency delivery, transportation, or purchase of natural gas established by any State or local government if such program is in conflict with any such order.

Approved February 2, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-7 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Jan. 26, 28, 31, considered and passed Senate.

Feb. 1, considered and passed House, amended.

Feb. 2, Senate and House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 6:

Feb. 2, Presidential statement.

Public Law 95-3
95th Congress

Joint Resolution

Making urgent power supplemental appropriations for the Department of the Interior, Southwestern Power Administration for the fiscal year ending September 30, 1977, and for other purposes.

Feb. 16, 1977
[H.J. Res. 227]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1977, and for other purposes, namely:

Supplemental
appropriations,
1977.

DEPARTMENT OF THE INTERIOR

SOUTHWESTERN POWER ADMINISTRATION

For an additional amount for "Operation and maintenance", \$6,400,000.

GENERAL PROVISIONS

SEC. 2. The last proviso under the heading "Energy Research and Development Administration, Operating Expenses", contained in Public Law 94-355, is hereby repealed.

Repeals.
90 Stat. 889.

SEC. 3. The last proviso under the heading "Energy Research and Development Administration, Plant and Capital Equipment", contained in Public Law 94-355, is hereby repealed.

SEC. 4. The fourth proviso under the heading "Energy Research and Development Administration, Operating Expenses, Fossil Fuels", contained in Public Law 94-373, is hereby repealed.

90 Stat. 1058.

SEC. 5. The last proviso under the heading "Energy Research and Development Administration, Plant and Capital Equipment, Fossil Fuels", contained in Public Law 94-373, is hereby repealed.

Approved February 16, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-8 (Comm. on Appropriations).
SENATE REPORT No. 95-7 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Feb. 7, considered and passed House and Senate.

Public Law 95-4
95th Congress

An Act

Feb. 16, 1977
[S. 649]

To authorize payment of salaries of certain members of Senate committee staffs at the rates paid to them on January 4, 1977.

Senate committee
staff members,
salaries.
2 USC 61-1 note.
2 USC 61-1.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the limitations contained in section 105(e) of the Legislative Branch Appropriation Act, 1968, as amended and modified, each eligible staff member of a new committee to whom section 703(d) of the Committee System Reorganization Amendments of 1977 applies may, during the transition period of such new committee, be paid gross annual compensation at the rate which that eligible staff member was receiving on January 4, 1977.

Definitions.

(b) For purposes of subsection (a), the terms “eligible staff member”, “new committee”, and “transition period” have the meanings given to them by section 701 of the Committee System Reorganization Amendments of 1977.

Approved February 16, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

Feb. 4, considered and passed Senate.

Feb. 7, considered and passed House.

Public Law 95-5
95th Congress

Joint Resolution

To extend the period of time in which the American Indian Policy Review Commission must submit its final report and to increase the authorization of appropriations for such Commission.

Feb. 17, 1977

[S.J. Res. 10]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to provide for the establishment of the American Indian Policy Review Commission", agreed to January 2, 1975 (88 Stat. 1910), is amended—

American Indian
Policy Review
Commission.
Final report.
25 USC 174 note.
25 USC 174 note.

(1) by striking out "six" in the second sentence of section 5(a) and inserting in lieu thereof "nine";

(2) by striking out "six" in the third sentence of section 5(a) and inserting in lieu thereof "three"; and

(3) by striking out "\$2,500,000" in section 7 and inserting in lieu thereof "\$2,600,000".

25 USC 174 note.

Approved February 17, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

Feb. 3, considered and passed Senate.

Feb. 9, considered and passed House.

Public Law 95-6
95th Congress

Joint Resolution

Feb. 21, 1977
[H.J. Res. 240]

To give congressional approval to certain governing international fishery agreements negotiated in accordance with the Fishery Conservation and Management Act of 1976, and for other purposes.

16 USC 1801
note.

Whereas the Government of the United States of America and the Governments of the People's Republic of Bulgaria, the Socialist Republic of Romania, the Republic of China, the German Democratic Republic, the Union of Soviet Socialist Republics, and the Polish People's Republic have signed governing international fishery agreements for the conservation, optimum utilization, and rational management of fisheries subject to the exclusive fishery management jurisdiction of the United States under the Fishery Conservation and Management Act of 1976 (Public Law 94-265) (hereinafter referred to as the "Act"); and

Whereas the Act provides that after February 28, 1977, no foreign fishing is authorized within the fishery conservation zone, or for anadromous species or Continental Shelf fishery resources beyond the fishery conservation zone, unless (among other exceptions and requirements) such foreign fishing is authorized and conducted pursuant to a governing international fishery agreement; and

Whereas the Act also provides that no governing international fishery agreement shall become effective with respect to the United States before the close of the first 60 calendar days of continuous session of the Congress after the date on which the President transmits to the House of Representatives and to the Senate a document setting forth the text of such governing international agreement; and

Whereas the Act further provides that Congress may prohibit the entering into force and effect of any governing international fishery agreement by enactment of a joint resolution originating in either House of Congress during such 60-day period; and

Whereas, the sixty-day period will not elapse with respect to any governing international fishery agreement, referred to in the first clause of this preamble, before March 1, 1977, the date on which the fishery conservation zone of the United States takes effect; and

Whereas early congressional action on these governing international fishery agreements is necessary in order that fishing vessels of the foreign nations concerned may be permitted to fish in the fishery conservation zone after February 28, 1977, in compliance with such Act; and

16 USC 1821.

Whereas these governing international fishery agreements substantially comply with the requirements relating to such agreements contained in section 201(c) of the Act: Now, therefore, be it

Fishery
Conservation
Zone Transition
Act.
16 USC 1801
note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "Fishery Conservation Zone Transition Act".

SEC. 2. CONGRESSIONAL APPROVAL OF CERTAIN GOVERNING INTERNATIONAL FISHERY AGREEMENTS:16 USC 1823
note.

Notwithstanding section 203 of the Fishery Conservation and Management Act of 1976, the governing international fishery agreement between the Government of the United States of America and—

16 USC 1823.

(1) the Government of the People's Republic of Bulgaria Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated January 14, 1974;

(2) the Government of the Socialist Republic of Romania Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated January 10, 1977;

(3) the Government of the Republic of China Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated January 10, 1977;

(4) the Government of the German Democratic Republic Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated January 10, 1977;

(5) the Government of the Union of Soviet Socialist Republics Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated January 10, 1977; and

(6) the Government of the Polish People's Republic Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated September 16, 1976,

is hereby approved by the Congress as a governing international fishery agreement for purposes of the Fishery Conservation and Management Act of 1976. Each such agreement shall enter into force and effect with respect to the United States on the date of the enactment of this joint resolution.

16 USC 1801
note.**SEC. 3. AMENDMENTS TO FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976.**

The Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.) is amended—

(1) by adding immediately after section 205 the following new section:

“SEC. 206. TRANSITIONAL PROVISIONS.

16 USC 1826.

“(a) **DEFINITION.**—For purposes of this section, the term ‘governing international fishery agreement’ does not include any governing international fishery agreement other than a governing international fishery agreement approved by the Congress pursuant to section 2 of the Fishery Conservation Zone Transition Act, or pursuant to any amendment to such section 2 if the effective date of such amendment is not later than February 28, 1977.

“Governing international fishery agreement.”

Supra.

“(b) **ACTION BY COUNCILS.**—Section 204(b) (5) shall not apply to any application submitted by a foreign nation pursuant to a governing international fishery agreement for permits authorizing fishing during 1977 by vessels of that nation within the fishery conservation zone or for anadromous species or Continental Shelf fishery resources beyond such zone, but each appropriate Council may prepare and submit comments to the Secretary on such application—

16 USC 1824.

“(1) if the application has been received by the Council on or before the date of the enactment of this section, within 7 days after such date; or

- “ (2) if the application is received by the Council from the Secretary of State after such date of enactment, within 7 days after the date on which the Council receives the application.
- 5 USC app. I. The provisions of the Federal Advisory Committee Act shall not apply to the actions of any Council in preparing such comments.
- 16 USC 1824. “ (c) PERMITS.—Until May 1, 1977, the requirement in section 204 (a) that foreign fishing vessels have on board a valid permit issued under section 204 shall not apply in the case of any foreign fishing vessel for which a permit is issued under an application to which subsection (b) applies. The failure of any such vessel to comply with such requirement before such date shall not be deemed to be a violation of section 307 (1) (A).
- 16 USC 1857. “ (d) PERMIT FEES.—Until May 1, 1977, the requirement in section 204 (b) (11), regarding the payment of applicable fees before foreign fishing permits are issued, may be waived by the Secretary with respect to permits to be issued under any application to which subsection (b) applies if the Secretary is satisfied that the foreign nation which made the application will pay the applicable fees before such date. Any permit issued under the waiver provided by this subsection shall expire on May 1, 1977, if the Secretary does not receive on or before such date the applicable fees for the permit.”; and
- (2) by amending the table of contents by inserting immediately after
- “Sec. 205. Import prohibitions.”
- the following:
- “Sec. 206. Transitional provisions.”
- SEC. 4. REPEAL OF NORTHWEST ATLANTIC FISHERIES ACT OF 1950.**
- Repeal. The Northwest Atlantic Fisheries Act of 1950 (16 U.S.C. 981-991) is repealed as of March 1, 1977.

Approved February 21, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

Feb. 8, considered and passed House.

Feb. 10, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 9:

Feb. 21, Presidential statement.

Public Law 95-7
95th Congress

Joint Resolution

Extending the filing date of the 1977 Joint Economic Report.

Feb. 23, 1977

[H.J. Res. 239]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of clause (3), Section 5(b) of the Employment Act of 1946 (15 U.S.C. 1024(b)), the Joint Economic Committee shall file its report on the President's 1977 Economic Report with the Senate and House of Representatives not later than March 30, 1977.

Economic report.
Time extension.

Approved February 23, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

Feb. 7, considered and passed House.

Feb. 11, considered and passed Senate.

Public Law 95-8
95th Congress

An Act

Mar. 3, 1977

[H.R. 3753]

To bring certain governing international fishery agreements within the purview of the Fishery Conservation Zone Transition Act.

Fishery
Conservation
Zone Transition
Act, amendment.
Ante, p. 15.
16 USC 1823
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Fishery Conservation Zone Transition Act (Public Law 95-6) is amended—

- (1) by striking out “and” at the end of paragraph (5);
- (2) by striking out the comma at the end of paragraph (6) and inserting in lieu thereof a semicolon;
- (3) by inserting immediately after paragraph (6) the following:

“(7) the European Economic Community Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated February 21, 1977;

“(8) the Government of Japan Concerning Fisheries Off the Coasts of the United States (for 1977), as contained in the message to Congress from the President of the United States dated February 21, 1977;

“(9) the Government of the Republic of Korea Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated February 21, 1977; and

“(10) the Government of Spain Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated February 21, 1977;”;

- (4) by amending the last sentence thereof to read as follows: “Each such agreement referred to in paragraphs (1) through (6) shall enter into force and effect with respect to the United States on the date of the enactment of this joint resolution, and each such agreement referred to in paragraphs (7) through (10) shall enter into force and effect with respect to the United States on February 27, 1977.”.

SEC. 2. The amendments made by the first section of this Act shall take effect February 27, 1977.

Approved March 3, 1977.

Effective date.
16 USC 1823
note.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-31 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 1, considered and passed House and Senate.

Public Law 95-9
95th Congress

Joint Resolution

To authorize a special gold medal to be awarded to Miss Marian Anderson.

Mar. 8, 1977
[H.J. Res. 132]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the highly distinguished and impressive career of Miss Marian Anderson for a period of more than a half a century during which she has been the recipient of the highest awards from a score of foreign countries, for her untiring and unselfish devotion to the promotion of the arts in this country and throughout the world including the establishment of scholarships for young people, for her strong and imaginative support to humanitarian causes at home, for her contributions to the cause of world peace through her work as United States delegate to the United Nations and her performances and recordings which have reached an estimated seven million people throughout the world, and her unstinting efforts on behalf of the brotherhood of man, and the many treasured moments she has brought to us with enormous demand on her time, talent, and energy, the President of the United States, or his delegate, is authorized to award to Marian Anderson, in the name of Congress, an appropriate gold medal. For such purpose the Secretary of the Treasury is authorized and directed to cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

Marian
Anderson.
Gold medal.

SEC. 2. The Secretary of the Treasury shall cause duplicates in bronze of such medal to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor), and the appropriations used for carrying out the provisions of this section shall be reimbursed out of the proceeds of such sale.

Duplicate copies.

SEC. 3. There is authorized to be appropriated the sum of \$2,500 to carry out the purposes of this resolution.

Appropriation
authorization.

SEC. 4. The gold medal and the bronze duplicates are national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

Approved March 8, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

Feb. 23, considered and passed House.

Feb. 24, considered and passed Senate.

Public Law 95-10
95th Congress

An Act

Mar. 10, 1977
[H.R. 3347]

To rescind certain budget authority recommended in the message of the President of September 22, 1976 (H. Doc. 94-620), transmitted pursuant to the Impoundment Control Act of 1974.

Certain budget
authority
rescissions.
31 USC 1301
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following rescission of budget authority contained in the message of the President of September 22, 1976 (H. Doc. 94-620), is made pursuant to the Impoundment Control Act of 1974; namely:

DEPARTMENT OF THE INTERIOR

BUREAU OF MINES

HELIUM FUND

75 Stat. 246.

Contract authority under this head provided by Public Law 87-122 for the fiscal year 1977 is rescinded in the amount of \$47,500,000.

Approved March 10, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-22 (Comm. on Appropriations).
SENATE REPORT No. 95-29 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 123 (1977):
 Feb. 23, considered and passed House.
 Feb. 25, considered and passed Senate.

Public Law 95-11
95th Congress

An Act

To dedicate the canal and towpath of the Chesapeake and Ohio Canal National Historical Park to Justice William O. Douglas, and for other purposes.

Mar. 15, 1977
[S. 776]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the canal and towpath of the Chesapeake and Ohio Canal National Historical Park are hereby dedicated to Justice William O. Douglas in grateful recognition of his long outstanding service as a prominent American conservationist and for his efforts to preserve and protect the canal and towpath from development.

Chesapeake and
Ohio Canal
National
Historical Park.
Dedication to
Justice William
O. Douglas.

SEC. 2. In order to carry out the provisions of this Act, the Secretary of the Interior is authorized and directed to provide such identification by signs, including, but not limited to changes in existing signs, materials, maps, markers, interpretive programs or other means as will appropriately inform the public of the contributions of Justice William O. Douglas.

16 USC 410y
note.
16 USC 410y
note.

SEC. 3. The Secretary of the Interior is further authorized and directed to cause to be erected and maintained, within the exterior boundaries of the Chesapeake and Ohio Canal National Historical Park, an appropriate memorial to Justice William O. Douglas. Such memorial shall be of such design and be located at such place within the park as the Secretary shall determine.

Memorial.
16 USC 410y
note.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Appropriation
authorization.
16 USC 410y
note.

Approved March 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-38 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Feb. 24, considered and passed Senate.

Mar. 2, considered and passed House.

Public Law 95-12
95th Congress

An Act

Mar. 18, 1977
[H.R. 1746]

To amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome.

Rhodesian
chrome.
Importation
prohibition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the United Nations Participation Act of 1945 (22 U.S.C. 287c) is amended—

(1) by adding at the end of subsection (a) the following new sentences: “Any Executive order which is issued under this subsection and which applies measures against Southern Rhodesia pursuant to any United Nations Security Council Resolution may be enforced, notwithstanding the provisions of any other law. The President may exempt from such Executive order any shipment of chromium in any form which is in transit to the United States on the date of enactment of this sentence.”; and

Steel mill
products,
certificate of
origin.

(2) by adding at the end thereof the following new subsection: “(c) (1) During the period in which measures are applied against Southern Rhodesia under subsection (a) pursuant to any United Nations Security Council Resolution, a shipment of any steel mill product (as such product may be defined by the Secretary) containing chromium in any form may not be released from customs custody for entry into the United States if—

“(A) a certificate of origin with respect to such shipment has not been filed with the Secretary; or

“(B) in the case of a shipment with respect to which a certificate of origin has been filed with the Secretary, the Secretary determines that the information contained in such certificate does not adequately establish that the steel mill product in such shipment does not contain chromium in any form which is of Southern Rhodesian origin;

unless such release is authorized by the Secretary under paragraph (3) (B) or (C).

Infra.
Regulations.

“(2) The Secretary shall prescribe regulations for carrying out this subsection.

Subpenas.

“(3) (A) In carrying out this subsection, the Secretary may issue subpenas requiring the attendance and testimony of witnesses and the production of evidence. Any such subpoena may, upon application by the Secretary, be enforced in a civil action in an appropriate United States district court.

Certification
requirement,
exemption.

“(B) The Secretary may exempt from the certification requirements of this subsection any shipment of a steel mill product containing chromium in any form which is in transit to the United States on the date of enactment of this subsection.

Release from
customs custody.

“(C) Under such circumstances as he deems appropriate, the Secretary may release from customs custody for entry into the United States, under such bond as he may require, any shipment of a steel mill product containing chromium in any form.

“(4) As used in this subsection—

Definitions.

“(A) the term ‘certificate of origin’ means such certificate as the Secretary may require, with respect to a shipment of any steel mill product containing chromium in any form, issued by the government (or by a designee of such government if the Secretary is satisfied that such designee is the highest available certifying authority) of the country in which such steel mill product was produced certifying that the steel mill product in such shipment contains no chromium in any form which is of Southern Rhodesian origin; and

“(B) the term ‘Secretary’ means the Secretary of the Treasury.”.

SEC. 2. (a) Upon the enactment of this Act, the President may suspend the operation of the amendments contained in this Act if he determines that such suspension would encourage meaningful negotiations and further the peaceful transfer of governing power from minority rule to majority rule in Southern Rhodesia. Such suspension shall remain in effect for such duration as deemed necessary by the President.

Operation of
amendments,
suspension.
22 USC 287c
note.

(b) If the President suspends the operation of the amendments contained in this Act, he shall so report to the Congress. In addition, the President shall report to the Congress when he terminates such suspension.

Report to
Congress.

(c) If the President suspends the operation of the amendments contained in this Act, any reference in those amendments to date of enactment shall be deemed to be a reference to the date on which such suspension is terminated by the President.

Approved March 18, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-59 (Comm. on International Relations).

SENATE REPORT No. 95-37 accompanying S. 174 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 11, S. 174 considered in Senate.

Mar. 14, considered and passed House; S. 174 considered in Senate.

Mar. 15, considered and passed Senate, in lieu of S. 174.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 12:

Mar. 18, Presidential statement.

Public Law 95-13
95th Congress

Joint Resolution

Mar. 21, 1977
[H.J. Res. 269]

Making an urgent supplemental appropriation for the fiscal year ending
September 30, 1977, for disaster relief.

Disaster relief.
Supplemental
appropriation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1977, namely:

FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

DISASTER RELIEF

For an additional amount for "Disaster relief", \$200,000,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

Approved March 21, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-33 (Comm. on Appropriations).
SENATE REPORT No. 95-40 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 123 (1977):
Mar. 3, considered and passed House.
Mar. 11, considered and passed Senate.

Public Law 95-14
95th Congress

An Act

To amend the Small Business Act and the Small Business Investment Act of 1958.

Mar. 24, 1977

[H.R. 2647]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Small Business
Act and Small
Business
Investment Act of
1958,
amendment.
15 USC 633.

BUSINESS LOAN AND INVESTMENT FUND

SECTION 1. Section 4(c)(4) of the Small Business Act is amended by striking out “\$6,000,000,000” and by inserting in lieu thereof “\$7,400,000,000”.

ECONOMIC OPPORTUNITY LOANS

SEC. 2. Section 4(c)(4) of the Small Business Act is amended by striking out “\$450,000,000” and by inserting in lieu thereof “\$525,000,000”.

SMALL BUSINESS INVESTMENT COMPANIES

SEC. 3. Section 4(c)(4) of the Small Business Act is amended by striking out “\$725,000,000” and by inserting in lieu thereof “\$887,500,000”.

SURETY BOND GUARANTEES

SEC. 4. Section 412 of the Small Business Investment Act of 1958 is amended by striking out “\$56,500,000” and by inserting in lieu thereof “\$110,000,000”. 15 USC 694c.

Approved March 24, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-2 (Comm. on Small Business) and No. 95-62 (Comm. of Conference).

SENATE REPORT No. 95-3 accompanying S. 243 (Comm. on Small Business).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Feb. 1, considered and passed House.

Feb. 22, considered and passed Senate, amended, in lieu of S. 243.

Mar. 14, House agreed to conference report.

Mar. 17, Senate agreed to conference report.

Public Law 95-15
95th Congress

An Act

Mar. 25, 1977
[H.R. 3839]

To rescind certain budget authority recommended in the message of the President of January 17, 1977 (H. Doc. 95-48), transmitted pursuant to the Impoundment Control Act of 1974.

Certain budget
authority.
Rescission.
31 USC 1400
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following rescissions of budget authority proposed in the message of the President of January 17, 1977 (H. Doc. 95-48), are made pursuant to the Impoundment Control Act of 1974, namely:

CHAPTER I

DEPARTMENT OF DEFENSE—MILITARY

RETIRED MILITARY PERSONNEL

RETIRED PAY, DEFENSE

90 Stat. 1279. Of the funds appropriated under this head in the Department of Defense Appropriation Act, 1977, \$143,600,000 are rescinded.

PROCUREMENT

SHIPBUILDING AND CONVERSION, NAVY

Of the funds appropriated under this head in the Department of Defense Appropriation Act, 1977, \$452,600,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

88 Stat. 1212. Of the funds appropriated under this head in the Department of Defense Appropriation Act, 1975, \$14,350,000 are rescinded.

CHAPTER II

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY CREDIT SALES

90 Stat. 1465. Of the funds appropriated under this head in the Foreign Assistance and Related Programs Appropriations Act, 1977, \$41,500,000 are rescinded.

CHAPTER III

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

Of the funds appropriated under this head in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1977, \$12,000,000 are rescinded.

90 Stat. 937.

Approved March 25, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-37 (Comm. on Appropriations).
SENATE REPORT No. 95-41 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 3, considered and passed House.
Mar. 15, considered and passed Senate.

Public Law 95-16
95th Congress

Joint Resolution

Apr. 1, 1977
[H.J. Res. 351]

Making further continuing appropriations for the fiscal year 1977, and for other purposes.

Continuing
appropriations,
1977.
90 Stat. 2065.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of October 11, 1976 (Public Law 94-473), is hereby amended by striking out "March 31, 1977" and inserting in lieu thereof "April 30, 1977".

SEC. 2. Such joint resolution is further amended by adding at the end thereof the following new section:

"SEC. 113. Such amount as may be necessary for the quarter ending March 31, 1977, for payments to the State and Local Government Fiscal Assistance Trust Fund, as authorized by the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221-1263).".

Approved April 1, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-127 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 29, considered and passed House and Senate.

Public Law 95-17
95th Congress

An Act

To reestablish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes.

Apr. 6, 1977
[S. 626]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Reorganization Act of 1977”.

Reorganization
Act of 1977.
5 USC 901 note.

SEC. 2. Chapter 9 of title 5, United States Code, is amended to read as follows:

“Chapter 9.—EXECUTIVE REORGANIZATION

“Sec.

“901. Purpose.

“902. Definitions.

“903. Reorganization plans.

“904. Additional contents of reorganization plan.

“905. Limitations on powers.

“906. Effective date and publication of reorganization plans.

“907. Effect on other laws, pending legal proceedings, and unexpended appropriations.

“908. Rules of Senate and House of Representatives on reorganization plans.

“909. Terms of resolution.

“910. Introduction and reference of resolution.

“911. Discharge of committee considering resolution.

“912. Procedure after report or discharge of committee; debate; vote on final disapproval.

“§ 901. Purpose

5 USC 901.

“(a) The Congress declares that it is the policy of the United States—

“(1) to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business;

“(2) to reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Government;

“(3) to increase the efficiency of the operations of the Government to the fullest extent practicable;

“(4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

“(5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

“(6) to eliminate overlapping and duplication of effort.

“(b) Congress declares that the public interest demands the carrying out of the purposes of subsection (a) of this section and that the purposes may be accomplished in great measure by proceeding under this chapter, and can be accomplished more speedily thereby than by the enactment of specific legislation.

“(c) It is the intent of Congress that the President should provide appropriate means for broad citizen advice and participation in restructuring and reorganizing the executive branch.

Citizen advice
and participation.

Examination of organization of all agencies.

“(d) The President shall from time to time examine the organization of all agencies and shall determine what changes in such organization are necessary to carry out any policy set forth in subsection (a) of this section.

5 USC 902.

“§ 902. Definitions

“For the purpose of this chapter—

“(1) ‘agency’ means—

“(A) an Executive agency or part thereof; and

“(B) an office or officer in the executive branch;

but does not include the General Accounting Office or the Comptroller General of the United States;

“(2) ‘reorganization’ means a transfer, consolidation, coordination, authorization, or abolition, referred to in section 903 of this title; and

“(3) ‘officer’ is not limited by section 2104 of this title.

5 USC 903.

“§ 903. Reorganization plans

“(a) Whenever the President, after investigation, finds that changes in the organization of agencies are necessary to carry out any policy set forth in section 901(a) of this title, he shall prepare a reorganization plan specifying the reorganizations he finds are necessary. Any plan may provide for—

“(1) the transfer of the whole or a part of an agency, or of the whole or a part of the functions thereof, to the jurisdiction and control of another agency;

“(2) the abolition of all or a part of the functions of an agency, except that no enforcement function or statutory program shall be abolished by the plan;

“(3) the consolidation or coordination of the whole or a part of an agency, or of the whole or a part of the functions thereof, with the whole or a part of another agency or the functions thereof;

“(4) the consolidation or coordination of a part of an agency or the functions thereof with another part of the same agency or the functions thereof;

“(5) the authorization of an officer to delegate any of his functions; or

“(6) the abolition of the whole or a part of an agency which agency or part does not have, or on the taking effect of the reorganization plan will not have, any functions.

Transmittal to Congress.

The President shall transmit the plan (bearing an identification number) to the Congress together with a declaration that, with respect to each reorganization included in the plan, he has found that the reorganization is necessary to carry out any policy set forth in section 901(a) of this title.

“(b) The President shall have a reorganization plan delivered to both Houses on the same day and to each House while it is in session, except that no more than three plans may be pending before the Congress at one time. In his message transmitting a reorganization plan, the President shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of the function. The message shall also estimate any reduction or increase in expenditures (itemized so far as practicable), and describe any improvements in management, delivery of Federal services, execution of the laws, and increases in efficiency of Government operations, which it is expected will be realized as a result of the reorganizations included in the plan.

“(c) Any time during the period of thirty calendar days of continuous session of Congress after the date on which the plan is transmitted to it, but before any resolution described in section 909 has been ordered reported in either House, the President may make amendments or modifications to the plan, consistent with sections 903-905 of this title, which modifications or revisions shall thereafter be treated as a part of the reorganization plan originally transmitted and shall not affect in any way the time limits otherwise provided for in this chapter. The President may withdraw the plan any time prior to the conclusion of sixty calendar days of continuous session of Congress following the date on which the plan is submitted to Congress.

Amendments or
modifications.

Withdrawal.

“§ 904. Additional contents of reorganization plan

5 USC 904.

“A reorganization plan transmitted by the President under section 903 of this title—

“(1) may change, in such cases as the President considers necessary, the name of an agency affected by a reorganization and the title of its head, and shall designate the name of an agency resulting from a reorganization and the title of its head;

“(2) may provide for the appointment and pay of the head and one or more officers of any agency (including an agency resulting from a consolidation or other type of reorganization) if the President finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan the provisions are necessary;

“(3) shall provide for the transfer or other disposition of the records, property, and personnel affected by a reorganization;

“(4) shall provide for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with a function or agency affected by a reorganization, as the President considers necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have the functions after the reorganization plan is effective; and

“(5) shall provide for terminating the affairs of an agency abolished.

A reorganization plan transmitted by the President containing provisions authorized by paragraph (2) of this section may provide that the head of an agency be an individual or a commission or board with more than one member. In the case of an appointment of the head of such an agency, the term of office may not be fixed at more than four years, the pay may not be at a rate in excess of that found by the President to be applicable to comparable officers in the executive branch, and if the appointment is not to a position in the competitive service, it shall be by the President, by and with the advice and consent of the Senate. Any reorganization plan transmitted by the President containing provisions required by paragraph (4) of this section shall provide for the transfer of unexpended balances only if such balances are used for the purposes for which the appropriation was originally made.

“§ 905. Limitation on powers

5 USC 905.

“(a) A reorganization plan may not provide for, and a reorganization under this chapter may not have the effect of—

“(1) creating a new executive department, abolishing or transferring an executive department or independent regulatory agency, or all the functions thereof, or consolidating two or more executive departments or two or more independent regulatory agencies, or all the functions thereof;

“(2) continuing an agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made;

“(3) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

“(4) authorizing an agency to exercise a function which is not expressly authorized by law at the time the plan is transmitted to Congress;

“(5) increasing the term of an office beyond that provided by law for the office; or

“(6) dealing with more than one logically consistent subject matter.

“(b) A provision contained in a reorganization plan may take effect only if the plan is transmitted to Congress within three years of the date of enactment of the Reorganization Act of 1977.

Ante, p. 29.

5 USC 906.

“§ 906. Effective date and publication of reorganization plans

“(a) Except as otherwise provided under subsection (c) of this section, a reorganization plan is effective at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the sixty-day period, either House passes a resolution stating in substance that the House does not favor the reorganization plan.

“(b) For the purpose of this chapter—

“(1) continuity of session is broken only by an adjournment of Congress *sine die*; and

“(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

“(c) Under provisions contained in a reorganization plan, any provision thereof may be effective at a time later than the date on which the plan otherwise is effective or, if both Houses of Congress have defeated a resolution of disapproval, may be effective at a time earlier than the expiration of the sixty-day period required by subsection (a).

“(d) A reorganization plan which is effective shall be printed (1) in the Statutes at Large in the same volume as the public laws and (2) in the Federal Register.

Printing in
Statutes at Large
and Federal
Register.
5 USC 907.

“§ 907. Effect on other laws, pending legal proceedings, and unexpended appropriations

“(a) A statute enacted, and a regulation or other action made, prescribed, issued, granted, or performed in respect of or by an agency or function affected by a reorganization under this chapter, before the effective date of the reorganization, has, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, the same effect as if the reorganization had not been made. However, if the statute, regulation, or other action has vested the functions in the agency from which it is removed under the reorganization plan, the function, insofar as it is to be exercised after the plan becomes effective, shall be deemed as vested in the agency under which the function is placed by the plan.

“(b) For the purpose of subsection (a) of this section, ‘regulation or other action’ means a regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

“Regulation or
other action.”

“(c) A suit, action, or other proceeding lawfully commenced by or against the head of an agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, does not abate by reason of the taking effect of a reorganization plan under this chapter. On motion or supplemental petition filed at any time within twelve months after the reorganization plan takes effect, showing a necessity for a survival of the suit, action, or other proceeding to obtain a settlement of the questions involved, the court may allow the suit, action, or other proceeding to be maintained by or against the successor of the head or officer under the reorganization effected by the plan or, if there is no successor, against such agency or officer as the President designates.

“(d) The appropriations or portions of appropriations unexpended by reason of the operation of the chapter may not be used for any purpose, but shall revert to the Treasury.

“§ 908. Rules of Senate and House of Representatives on reorganization plans 5 USC 908.

“Sections 909 through 912 of this title are enacted by Congress—

“(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by section 909 of this title; and they supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

“§ 909. Terms of resolution

5 USC 909.

“For the purpose of sections 908 through 912 of this title, ‘resolution’ means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: ‘That the _____ does not favor the reorganization plan numbered _____ transmitted to the Congress by the President on _____, 19 __’, and includes such modifications and revisions as are submitted by the President under section 903(c) of this chapter. The blank spaces therein are to be filled appropriately. The term does not include a resolution which specifies more than one reorganization plan.

“Resolution.”

“§ 910. Introduction and reference of resolution

5 USC 910.

“(a) No later than the first day of session following the day on which a reorganization plan is transmitted to the House of Representatives and the Senate under section 903, a resolution, as defined in section 909, shall be introduced (by request) in the House by the chairman of the Government Operations Committee of the House, or by a Member or Members of the House designated by such chairman; and shall be introduced (by request) in the Senate by the chairman of the Governmental Affairs Committee of the Senate, or by a Member or Members of the Senate designated by such chairman.

“(b) A resolution with respect to a reorganization plan shall be referred to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee shall make its recommendations to the House of Representatives or the

Referral to congressional committees by President of the Senate or Speaker of the House.

Senate, respectively, within 45 calendar days of continuous session of Congress following the date of such resolution's introduction.

5 USC 911.

“§ 911. Discharge of committee considering resolution

“If the committee to which is referred a resolution introduced pursuant to subsection (a) of section 910 (or, in the absence of such a resolution, the first resolution introduced with respect to the same reorganization plan) has not reported such resolution or identical resolution at the end of 45 calendar days of continuous session of Congress after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

5 USC 912.

“§ 912. Procedure after report or discharge of committee; debate; vote on final disapproval

“(a) When the committee has reported, or has been deemed to be discharged (under section 911) from further consideration of, a resolution with respect to a reorganization plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

Debate,
limitation.

“(b) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between individuals favoring and individuals opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to shall not be in order.

Vote on final
approval.

“(c) Immediately following the conclusion of the debate on the resolution with respect to a reorganization plan, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final approval of the resolution shall occur.

“(d) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.”. Appeals.

Approved April 6, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-105 accompanying H.R. 5045 (Comm. on Government Operations).

SENATE REPORT No. 95-32 (Comm. on Government Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 3, considered and passed Senate.

Mar. 29, considered and passed House, amended, in lieu of H.R. 5045.

Mar. 31, Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 15:

Apr. 6, Presidential statement.

Public Law 95-18
95th Congress

An Act

Apr. 7, 1977
[S. 925]

To provide temporary authorities to the Secretary of the Interior to facilitate emergency actions to mitigate the impacts of the 1976-77 drought.

Drought of
1976-1977.
Temporary
emergency
authority to
Secretary of the
Interior.
43 USC 502 note.
43 USC
615v-615x.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, hereinafter referred to as the "Secretary", acting through the Bureau of Reclamation and the Bureau of Indian Affairs pursuant to the authorities in the Federal Reclamation Laws (74 Stat. 882, as amended) and other appropriate authorities of the Secretary, and the authorities granted herein, is directed to—

(a) perform studies to identify opportunities to augment, utilize, or conserve water supplies available to Federal reclamation projects and Indian irrigation projects constructed by the Secretary; and consistent with existing contractual arrangements, and State law, and without further authorization, to undertake construction, management and conservation activities which can be expected to have an effect in mitigating losses and damages to Federal reclamation projects and Indian irrigation projects constructed by the Secretary resulting from the 1976-1977 drought period: *Provided*, That construction activities undertaken to implement the programs authorized by this Act shall be completed by November 30, 1977;

(b) assist willing buyers in their purchase of available water supplies from willing sellers and to redistribute such water to irrigators based upon priorities to be determined by the Secretary within the constraints of State water laws, with the objective of minimizing losses and damages resulting from the drought; and

(c) undertake expedited evaluations and reconnaissance studies of potential facilities to mitigate the effects of a recurrence of the current emergency and make recommendations to the President and to the Congress evaluating such potential undertakings including, but not limited to, wells, pumping plants, pipelines, canals, and alterations of outlet works of existing impoundments.

Purchases of
water.
43 USC 502 note.

SEC. 2. (a) Payments for water acquired from willing sellers will be at a negotiated price, but will not confer any undue benefit or profit to any person or persons compared to what would have been realized if the water had been used in the normal irrigation of crops adapted to the area, as determined by the Secretary.

(b) Purchases of water acquired under subsection (a) above shall be made at a price to be determined by the Secretary: *Provided*, That the selling price shall be sufficient to recover all expenditures made in acquiring the water.

43 USC 502 note.

SEC. 3. (a) The Secretary shall determine for purposes of this Act the priority of need for allocating the water, taking into consideration, among other things, State law, national need, and the effect of losing perennial crops due to drought.

"Irrigators."

(b) For the purposes of this Act the term "irrigators" shall mean any person or legal entity who holds a valid existing water right for irrigation purposes within Federal reclamation projects and within all irrigation projects constructed by the Secretary for Indians.

(c) For the purposes of this Act, the term "Federal reclamation project" means any project constructed or funded under Federal reclamation law and specifically including projects having approved loans under the Small Reclamation Projects Act of 1956 (70 Stat. 1044) as amended.

"Federal reclamation project."

SEC. 4. The Secretary is hereby authorized to defer without penalty, the 1977 payments of any installment of charges including operation and maintenance costs owed to the United States by irrigators as he deems necessary because of financial hardship caused by extreme drought conditions: *Provided*, That any deferment shall be recovered and such recovery may be accomplished by extending the repayment period under the contracting entities' existing contracts with the United States.

43 USC 422k.

Deferred payments.

43 USC 502 note.

SEC. 5. Actions taken pursuant to this Act are in response to emergency conditions and depend for their effectiveness upon their completion prior to or during the 1977 irrigation season and, therefore, are deemed not to be major Federal actions significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (83 Stat. 852, as amended, 42 U.S.C. 4321).

43 USC 502 note.

SEC. 6. The program established by this Act shall, to the extent practicable, be coordinated with emergency and disaster relief operations conducted by other Federal and State agencies under other provisions of law. The Secretary shall consult with the heads of such other Federal and State agencies as he deems necessary. The heads of all other Federal agencies performing relief functions under other Federal authorities are hereby authorized and directed to provide the Secretary, or his designee, such information and records as the Secretary or his designee shall deem necessary for the administration of this Act.

Federal and State program coordination.
43 USC 502 note.

SEC. 7. Not later than March 1, 1978, the Secretary shall provide the President and the Congress with a complete report on expenditures and accomplishments under this Act.

Report to President and Congress.

SEC. 8. (a) The Secretary is authorized to make loans to irrigators for the purposes of undertaking construction, management, conservation activities, or the acquisition and transportation of water, which can be expected to have an effect in mitigating losses and damages resulting from the 1976-1977 drought period.

43 USC 502 note.
Loans.
43 USC 502 note.

(b) Such loans shall be without interest with the repayment schedule to be determined by the Secretary, but loans for acquiring water under section 2 of this Act shall not exceed five years in duration.

(c) The authorities conferred by this Act shall terminate on September 30, 1977.

Termination.

SEC. 9. There is authorized to be appropriated \$100,000,000 to carry out the water purchase and reallocation program authorized by this Act: *Provided*, That 15 per centum of such appropriations shall be available for carrying out other programs authorized by this Act and for construction of emergency physical facilities under terms and conditions applying to expenditures from the emergency fund created by the Act of June 26, 1948 (62 Stat. 1052).

Appropriation authorization.
43 USC 502 note.

SEC. 10. (a) Funds available to the Secretary during fiscal year 1977 for expenditure pursuant to the Act of June 26, 1948 (62 Stat. 1052), shall be available for expenditure on behalf of (1) projects financed through loans pursuant to the Small Reclamation Projects Act of 1956 (70 Stat. 1044) as amended, and (2) projects financed with non-Federal funds notwithstanding the provisions of the third sentence of section 46 of the Act of May 25, 1926 (44 Stat. 649, 650),

Availability of funds.
43 USC 502 note.

43 USC 423e.

and any other similar provision of law. Expenditures undertaken under this authority shall be governed by the same terms and conditions as apply to programs regularly constructed under Federal reclamation law: *Provided*, That not more than 15 per centum of such available funds may be used on behalf of nonfederally financed projects and not more than \$1,000,000 may be expended on behalf of any individual contracting entity.

43 USC 502,
503.

(b) Funds available to the Secretary during fiscal year 1977 for expenditure pursuant to the Act of June 26, 1948 (62 Stat. 1052), shall be available for expenditure for drought emergency programs conducted heretofore or hereafter by State water resource agencies during fiscal year 1977 if such programs are found to be compatible with the broad purposes of this Act: *Provided*, That not more than 5 per centum of such available funds may be used for purposes of this subsection and not more than \$1,000,000 may be expended on behalf of any State. In recognition of the widespread and diffused nature of the benefits deriving from this subsection, all funds expended under the authority of this subsection shall be nonreimbursable.

(c) Funds available for expenditure under the provisions of this Act may be used by the Secretary for the purchase of water or for acquisition of entitlement to water from any available source for the purpose of mitigating damage to fish and wildlife resources caused by drought conditions. Not to exceed \$10,000,000 may be expended for such activities and any amount so expended shall be nonreimbursable.

43 USC 502 note.

SEC. 11. Nothing in this Act shall be construed as limiting or restricting the power and authority of the United States or—

(a) as affecting in any way any law governing appropriations or use of, or Federal right to, water on public lands;

(b) as expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in water resources development or control;

(c) as displacing, superseding, limiting, or modifying any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States or of two States and the Federal Government;

(d) as superseding, modifying, or repealing, except as specifically set forth in this Act, existing laws applicable to the various Federal agencies; and

(e) as modifying the terms of any interstate compact.

Approved April 7, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-155 accompanying H.R. 5117 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 95-50 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 15, considered and passed Senate.

Apr. 4, considered and passed House, amended, in lieu of H.R. 5117; Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 15:

Apr. 7, Presidential statement.

Public Law 95-19
95th Congress

An Act

To extend the Emergency Unemployment Compensation Act of 1974, and for other purposes.

Apr. 12, 1977
[H.R. 4800]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Emergency Unemployment Compensation Extension Act of 1977”.

Emergency
Unemployment
Compensation
Extension Act of
1977.
26 USC 3304
note.

TITLE I—AMENDMENTS TO THE EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM

SEC. 101. EXTENSION OF PROGRAM.

(a) **GENERAL RULE.**—Section 102(f) (2) of the Emergency Unemployment Compensation Act of 1974 is amended to read as follows:

26 USC 3304
note.

“(2) No emergency compensation shall be payable to any individual under an agreement entered into under this Act—

“(A) for any week ending after October 31, 1977, or

“(B) in the case of an individual who (for a week ending after the beginning of his most recent benefit year and before October 31, 1977) had a week with respect to which emergency compensation was payable under such agreement, for any week ending after January 31, 1978.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to weeks of unemployment ending after March 31, 1977.

SEC. 102. 13-WEEK MAXIMUM FOR THE EMERGENCY BENEFITS AND EMERGENCY BENEFIT PERIOD.

(a) **52-WEEK DURATION PERIOD FOR EMERGENCY BENEFITS.**—Subsection (e) of section 102 of the Emergency Unemployment Compensation Act of 1974 is amended—

(1) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

“(2) The amount established in such account for any individual shall be equal to the lesser of—

“(A) 50 per centum of the total amount of regular compensation (including dependents’ allowances) payable to him with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation; or

“(B) 13 times his average weekly benefit amount (as determined for purposes of section 202(b) (1) (C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year.”;

26 USC 3304
note.

(2) by redesignating paragraph (4) as paragraph (3); and

(3) by striking out “amounts determined under paragraphs (2) and (3) with respect to any individual shall each” in paragraph (3) (as so redesignated) and inserting in lieu thereof “amount

determined under paragraph (2) with respect to any individual shall”.

26 USC 3304
note.

(b) **EMERGENCY BENEFIT PERIOD.**—Section 102(c)(3)(A)(ii) of such Act is amended by striking out “26 consecutive weeks” and inserting in lieu thereof “13 consecutive weeks”.

26 USC 3304
note.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 105 of such Act is amended by striking out paragraph (5) and by redesignating paragraphs (6), (7), and (8) as paragraphs (5), (6), and (7), respectively.

(2) Paragraph (2) of section 102(b) of such Act is amended—

(A) by striking out “section 105(2)” and inserting in lieu thereof “section 105(a)(2)”; and

(B) by striking out “section 105(4)” and inserting in lieu thereof “section 105(a)(4)”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to weeks of unemployment ending after April 30, 1977. For purposes of determining an individual’s entitlement to emergency compensation for weeks ending after April 30, 1977, there shall be taken into account any emergency compensation paid to such individual for weeks which end after the beginning of the individual’s most recent benefit year and before May 1, 1977.

SEC. 103. FINANCING OF EMERGENCY UNEMPLOYMENT COMPENSATION FROM GENERAL FUNDS.

26 USC 3304
note.

(a) **GENERAL RULE.**—Section 104(b) of the Emergency Unemployment Compensation Act of 1974 is amended—

(1) in the first sentence thereof, by striking out “as repayable advances (without interest),”; and

(2) by amending the second sentence thereof to read as follows: “Amounts appropriated and paid to the States under section 103 with respect to weeks of unemployment ending prior to April 1, 1977, shall be repaid, without interest, as provided in section 905(d) of the Social Security Act.”.

42 USC 1105.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall be effective on April 1, 1977.

SEC. 104. DENIAL OF EMERGENCY COMPENSATION TO INDIVIDUALS WHO REFUSE OFFERS OF SUITABLE WORK OR WHO ARE NOT ACTIVELY SEEKING WORK.

26 USC 3304
note.

(a) **GENERAL RULE.**—Section 102 of the Emergency Unemployment Compensation Act of 1974 is amended by adding at the end thereof the following new subsection:

“(h) (1) In addition to any eligibility requirement of the applicable State law, emergency compensation shall not be payable for any week to any individual otherwise eligible to receive such compensation if during such week such individual—

“(A) fails to accept any offer of suitable work or to apply for any suitable work to which he was referred by the State agency, or

“(B) fails to actively engage in seeking work.

“(2) If any individual is ineligible for emergency compensation for any week by reason of a failure described in subparagraph (A) or (B) of paragraph (1), the individual shall be ineligible to receive emergency compensation for any week which begins during a period which—

“(A) begins with the week following the week in which such failure occurs, and

“(B) does not end until such individual has been employed during at least 4 weeks which begin after such failure and the total of the remuneration earned by the individual for being so employed is not less than the product of 4 multiplied by the in-

dividual's average weekly benefit amount (as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year.

"(3) Emergency compensation shall not be denied under paragraph (1) to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work—

26 USC 3304
note.

"(A) if the gross average weekly remuneration payable to such individual for the position does not exceed the sum of—

"(i) the individual's average weekly benefit amount (as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year, plus

"(ii) the amount (if any) of supplemental unemployment compensation benefits (as defined in section 501(c)(17)(D) of the Internal Revenue Code of 1954) payable to such individual for such week;

26 USC 501.

"(B) if the position was not offered to such individual in writing and was not listed with the State employment service;

"(C) if such failure would not result in a denial of compensation under the provisions of the applicable State law to the extent that such provisions are not inconsistent with the provisions of paragraph (4); or

"(D) if the position pays wages less than the higher of—

"(i) the minimum wage provided by section 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption; or

29 USC 206.

"(ii) any applicable State or local minimum wage.

"(4) For purposes of this subsection—

"(A) The term 'suitable work' means, with respect to any individual, any work which is within such individual's capabilities; except that, if the individual furnishes evidence satisfactory to the State agency that such individual's prospects for obtaining work in his customary occupation within a reasonably short period are good, the determination of whether any work is suitable work with respect to such individual shall be made in accordance with the applicable State law.

"Suitable work."

"(B) An individual shall be treated as actively engaged in seeking work during any week if—

"(i) the individual has engaged in a systematic and sustained effort to obtain work during such week, and

"(ii) the individual provides tangible evidence to the State agency that he has engaged in such an effort during such week.

"(5) Any agreement under subsection (a) shall provide that, in the administration of this Act, States shall make provision for referring applicants for benefits under this Act to any suitable work to which subparagraphs (A), (B), (C), and (D) of paragraph (3) would not apply."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to weeks of unemployment beginning after the date of the enactment of this Act.

SEC. 105. RECOVERY OF OVERPAYMENTS.

(a) GENERAL RULE.—Section 105 of the Emergency Unemployment Compensation Act of 1974 is amended by inserting "(a)" after "Sec. 105." and by adding at the end thereof the following new subsection:

26 USC 3304
note.

"(b)(1) If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or

knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency compensation under this Act to which he was not entitled, such individual—

“(A) shall be ineligible for further emergency compensation under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

“(B) shall be subject to prosecution under section 1001 of title 18, United States Code.

Repayment.

“(2) (A) In the case of individuals who have received amounts of emergency compensation under this Act to which they were not entitled, the State is authorized to require such individuals to repay the amounts of such emergency compensation to the State agency, except that the State agency may waive such repayment if it determines that—

“(i) the payment of such emergency compensation was without fault on the part of any such individual, and

“(ii) such repayment would be contrary to equity and good conscience.

“(B) The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the three-year period after the date such individuals received the payment of the emergency compensation to which they were not entitled, except that no single deduction may exceed 50 per centum of the weekly benefit amount from which such deduction is made.

Notice and hearing.

“(C) No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

Review.

“(3) Any determination by a State agency under paragraph (1) or (2) shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

26 USC 3304 note.

SEC. 106. MODIFICATION OF AGREEMENTS.

The Secretary of Labor shall, at the earliest practicable date after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 102 of the Emergency Unemployment Compensation Act of 1974 a modification of such agreement designed to provide for the payment of emergency compensation under such Act in accordance with the amendments made by this title. Notwithstanding any other provision of law, if any State fails or refuses, within the 3-week period beginning on the date the Secretary of Labor proposes such a modification to such State, to enter into such a modification of such agreement, the Secretary of Labor shall terminate such agreement effective with the end of the last week which ends on or before the last day of such 3-week period.

26 USC 3304 note.

Termination of agreement.

SEC. 107. TERMINATION OF INDIVIDUAL ENTITLEMENT.

(a) **GENERAL RULE.**—Section 102(b)(2) of the Emergency Unemployment Compensation Act of 1974 is amended—

26 USC 3304 note.

(1) by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and

(2) by adding after subparagraph (B) thereof the following: “except that no payment of emergency compensation shall be made to any individual for any week of unemployment which begins more than two years after the end of the benefit year for which he exhausted his rights to regular compensation.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to weeks of unemployment ending after the date of enactment of this Act.

TITLE II—REPAYMENT OF STATE LOANS

SEC. 201. REPAYMENT OF STATE LOANS.

(a) **GENERAL RULE.**—The last sentence of section 3302(c)(2) of the Internal Revenue Code of 1954 (relating to reduction in credits against unemployment tax) is amended by striking out “January 1, 1978” each place it appears and inserting in lieu thereof “January 1, 1980”.

26 USC 3302.

(b) **STATE REQUIREMENTS.**—The amendment made by subsection (a) shall not apply in the case of any State unless the Secretary of Labor finds that such State meets the requirements of section 110(b) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975.

26 USC 3302 note.

26 USC 3302 note.

TITLE III—OTHER UNEMPLOYMENT COMPENSATION AMENDMENTS

SEC. 301. DELAY IN EFFECTIVE DATES WHERE STATE LEGISLATURE DOES NOT MEET IN 1977.

(a) **COVERAGE OF CERTAIN SERVICE PERFORMED FOR NONPROFIT ORGANIZATIONS AND FOR STATE AND LOCAL GOVERNMENTS.**—Subsection (d) of section 115 of the Unemployment Compensation Amendments of 1976 is amended to read as follows:

26 USC 3304 note.

“(d) **EFFECTIVE DATE.**—

“(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to certifications of States for 1978 and subsequent years; except that—

“(A) the amendments made by subsections (a) and (b) shall only apply with respect to services performed after December 31, 1977; and

“(B) the amendments made by subsection (c) shall only apply with respect to weeks of unemployment which begin after December 31, 1977.

“(2) In the case of any State the legislature of which does not meet in a regular session which closes during the calendar year 1977, the amendments made by subsection (c) shall only apply with respect to weeks of unemployment which begin after December 31, 1978 (or if earlier, the date provided by State law).”

(b) **PREGNANCY DISQUALIFICATIONS.**—Subsection (c) of section 312 of the Unemployment Compensation Amendments of 1976 is amended to read as follows:

26 USC 3304 note.

“(c) **EFFECTIVE DATE.**—

“(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to certifications of States for 1978 and subsequent years.

“(2) In the case of any State the legislature of which does

not meet in a regular session which closes during the calendar year 1977, the amendments made by this section shall apply with respect to the certification of such State for 1979 and subsequent years."

26 USC 3304
note.

(c) **ELECTION OF LOCAL GOVERNMENTS TO USE REIMBURSEMENT METHOD.**—Subsection (c) of section 506 of the Unemployment Compensation Amendments of 1976 is amended to read as follows:

"(c) **EFFECTIVE DATE.**—

"(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to certifications of States for 1978 and subsequent years, but only with respect to services performed after December 31, 1977.

"(2) In the case of any State the legislature of which does not meet in a regular session which closes during the calendar year 1977, the amendments made by this section shall apply with respect to the certification of such State for 1979 and subsequent years, but only with respect to services performed after December 31, 1978."

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 20, 1976.

SEC. 302. ADDITIONAL AMENDMENTS.

26 USC 3304.

(a) **ILLEGAL ALIENS.**—Subparagraph (A) of section 3304(a)(14) of the Internal Revenue Code of 1954 (relating to denial of unemployment compensation to illegal aliens) is amended to read as follows:

"(A) compensation shall not be payable on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act)."

8 USC 1153,
1182.

26 USC 3309.

(b) **REIMBURSEMENT METHOD OF FINANCING FOR LOCAL GOVERNMENTS.**—Paragraph (2) of section 3309(a) of such Code (relating to State law requirements) is amended by striking out "or group of organizations" and inserting in lieu thereof "or group of governmental entities or other organizations".

26 USC 3304.

(c) **DISQUALIFICATION OF TEACHERS.**—Section 3304(a)(6)(A) of the Internal Revenue Code of 1954 (relating to approval of State unemployment laws) is amended—

(1) in clause (i)—

(A) by striking out "instructional research" and inserting in lieu thereof "instructional, research"; and

(B) by striking out "two successive academic years" and inserting in lieu thereof "two successive academic years or terms";

(2) by striking out "and" at the end of clause (i); and

(3) by adding at the end thereof the following new clause:

"(iii) with respect to any services described in clause (i) or (ii), compensation payable on the basis of such services may be denied to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a

reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess, and”.

(d) **EFFECTIVE DATES.**—

(1) The amendment made by subsection (a) shall take effect as if included in the amendment made by section 314 of the Unemployment Compensation Amendments of 1976.

26 USC 3304
note.

(2) The amendment made by subsection (b) shall take effect as if included in the amendments made by section 506 of the Unemployment Compensation Amendments of 1976.

90 Stat. 2680.
26 USC 3309
note.

(3) The amendments made by subsection (c) shall take effect as if included in the amendments made by section 115(c) of the Unemployment Compensation Amendments of 1976.

90 Stat. 2687.
26 USC 3304
note.
90 Stat. 2670.

(e) **RECIPIENTS OF RETIREMENT BENEFITS.**—Paragraph (15) of section 3304(a) of the Internal Revenue Code of 1954 (relating to the denial of unemployment compensation to recipients of retirement benefits) is amended by striking “September 30, 1979” and inserting in lieu thereof “March 31, 1980”.

26 USC 3304.

SEC. 303. DELAY IN REPORTING DATES FOR NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION.

(a) **INTERIM REPORT.**—Subsection (f) of section 411 of the Unemployment Compensation Amendments of 1976 (relating to interim report of National Commission on Unemployment Compensation) is amended by striking out “March 31, 1978” and inserting in lieu thereof “September 30, 1978”.

26 USC 3304
note.

(b) **FINAL REPORT.**—Subsection (g) of such section 411 (relating to final report) is amended by striking out “January 1, 1979” and inserting in lieu thereof “July 1, 1979”.

TITLE IV—FEDERAL SALARY ACT AMENDMENTS OF 1977

SEC. 401. EFFECTIVE DATE OF AND CONGRESSIONAL APPROVAL OF RECOMMENDATIONS OF THE PRESIDENT.

(a) Section 225(i) of Public Law 90-206 is amended to read as follows: 2 USC 359.

“(i) Effective date of and congressional approval of recommendations of the President—

“(1) Within sixty calendar days of the submission of the President’s recommendations to the Congress, each House shall conduct a separate vote on each of the recommendations of the President with respect to the offices and positions described in subparagraphs (A), (B), (C), and (D) of subsection (f) of this section, and shall thereby approve or disapprove the recommendations of the President regarding each such subparagraph. Such votes shall be recorded so as to reflect the votes of each individual Member thereon. If both Houses approve by majority vote the recommendations pertaining to the offices and positions described in any such subparagraph, the recommendations shall become effective for the offices and positions covered by such subparagraph at the beginning of the first pay period which begins after the thirtieth day following the approval of the recommendation by the second House to approve the recommendation.

“(2) Any part of the recommendations of the President may, in accordance with express provisions of such recommendations,

be made operative on a date later than the date on which such recommendations otherwise are to take effect.”.

2 USC 360. (b) Section 225(j) of Public Law 90-206 is amended by inserting immediately after “subsection (b) (2) and (3) of this section shall” the language “, if approved by the Congress as provided in subsection (i),”.

Approved April 12, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-82 (Comm. on Ways and Means) and No. 95-158 (Comm. of Conference).

SENATE REPORT No. 95-67 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 21, considered and passed House.

Mar. 30, considered and passed Senate, amended.

Apr. 4, House and Senate agreed to conference report.

Public Law 95-20
95th Congress

An Act

To amend the Securities Exchange Act of 1934 to increase the amount authorized to be appropriated for the Securities and Exchange Commission for fiscal year 1977.

Apr. 13, 1977
[S. 1025]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by striking the amount "\$55,000,000" before the words "for the fiscal year ending September 30, 1977" and inserting in lieu thereof the amount "\$56,500,000".

Securities and
Exchange
Commission.
Appropriation
authorization.
15 USC 78kk.

Approved April 13, 1977.

LEGISLATIVE HISTORY:

SENATE REPORT No. 95-56 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 25, considered and passed Senate.

Apr. 4, considered and passed House.

Public Law 95-21
95th Congress

An Act

Apr. 18, 1977
[H.R.5717]

To provide for relief and rehabilitation assistance to the victims of the recent earthquakes in Romania.

Romanian
earthquake
victims.
Relief and
rehabilitation
assistance.
22 USC 2292.
22 USC 2292j.

Appropriation
authorization.

22 USC 2292.

Report to
congressional
committees and
Speaker of the
House.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 9 of part I of the Foreign Assistance Act of 1961 (as amended) is amended by adding at the end thereof the following new section:

“SEC. 495D. ROMANIAN RELIEF AND REHABILITATION.—(a) The Congress, recognizing that prompt United States assistance is necessary to alleviate the human suffering arising from recent earthquakes in Romania, authorizes the President to furnish assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of refugees and other earthquake victims in Romania.

“(b) There are hereby authorized to be appropriated to the President for the fiscal year 1977, notwithstanding any other provisions of this Act, in addition to amounts otherwise available for such purposes, not to exceed \$20,000,000, which amount is authorized to remain available until expended.

“(c) Assistance under this section shall be provided in accordance with the policies and general authority contained in section 491.

“(d) Obligations incurred prior to the date of enactment of this section against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Romania may be charged to the appropriations authorized under this section.

“(e) Not later than sixty days after the date of enactment of appropriations to carry out this section, and on a quarterly basis thereafter, the President shall transmit reports to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives regarding the programing and obligation of funds under this section.

“(f) Nothing in this section shall be interpreted as endorsing any measure undertaken by the Government of Romania which would suppress human rights as defined in the Conference on Security and Co-operation in Europe (Helsinki) Final Act and the United Nations Declaration on Human Rights, or as constituting a precedent for or commitment to provide United States development assistance to Romania, and the Romanian Government shall be so notified when aid is furnished under this section.”.

Approved April 18, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 5, considered and passed House.

Apr. 6, considered and passed Senate.

Public Law 95-22
95th Congress

An Act

To extend the authority for the flexible regulation of interest rates on deposits and accounts in depository institutions.

Apr. 19, 1977
[H.R. 3365]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Depository
institutions.
Interest rates,
extension.

TITLE I

SEC. 101. Section 7 of the Act of September 21, 1966 (Public Law 89-597), is amended by striking out "March 1, 1977" and inserting in lieu thereof "December 15, 1977".

12 USC 461 note.

TITLE II

SEC. 201. Section 14(b) of the Federal Reserve Act (12 U.S.C. 355) is amended (1) by striking out "November 1, 1976" and inserting in lieu thereof "November 1, 1978"; and (2) by striking out "October 31, 1976" and inserting in lieu thereof "October 31, 1978".

TITLE III

SEC. 301. Section 201 of the Federal Credit Union Act (12 U.S.C. 1781) is amended by repealing subsection (c) (3) thereof.

Repeal.

SEC. 302. (a) Paragraph (5) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended to read as follows:

"(5) to make loans, the maturities of which shall not exceed twelve years except as otherwise provided herein, and extend lines of credit to its members, to other credit unions, and to credit union organizations and to participate with other credit unions, credit union organizations, or financial organizations in making loans to credit union members in accordance with the following:

Federal credit
unions, powers.

"(A) Loans to members shall be made in conformity with criteria established by the board of directors: *Provided*, That—

Loans to
members.

"(i) a residential real estate loan which is made to finance the acquisition of a one-to-four-family dwelling for the principal residence of a credit union member, the sales price of which is not more than 150 per centum of the median sales price of residential real property situated in the geographical area (as determined by the board of directors) in which the property is located, and which is secured by a first lien upon such dwelling, may have a maturity not exceeding thirty years, subject to the rules and regulations of the Administrator;

Residential loans.

"(ii) a loan to finance the purchase of a mobile home, which shall be secured by a first lien on such mobile home, to be used by the credit union member as his residence, or for the repair, alteration, or improvement of a residential dwelling which is the residence of a credit union member shall have a maturity not to exceed fifteen years

Mobile home
loans.

unless such loan is insured or guaranteed as provided in subparagraph (iii);

“(iii) a loan secured by the insurance or guarantee of the Federal Government, of a State government, or any agency of either may be made for the maturity and under the terms and conditions specified in the law under which such insurance or guarantee is provided;

“(iv) a loan or aggregate of loans to a director or member of the supervisory or credit committee of the credit union making the loan which exceeds \$5,000 plus pledged shares, be approved by the board of directors;

“(v) loans to other members for which directors or members of the supervisory or credit committee act as guarantor or endorser be approved by the board of directors when such loans standing alone or when added to any outstanding loan or loans of the guarantor or endorser exceeds \$5,000;

“(vi) the rate of interest not exceed 1 per centum per month on the unpaid balance inclusive of all service charges;

“(vii) the taking, receiving, reserving, or charging of a rate of interest greater than is allowed by this paragraph, when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. If such greater rate of interest has been paid, the person by whom it has been paid, or his legal representatives, may recover back from the credit union taking or receiving the same, in an action in the nature of an action of debt, the entire amount of interest paid; but such action must be commenced within two years from the time the usurious collection was made;

“(viii) a borrower may repay his loan, prior to maturity in whole or in part on any business day without penalty;

“(ix) loans shall be paid or amortized in accordance with rules and regulations prescribed by the Administrator after taking into account the needs or conditions of the borrowers, the amounts and duration of the loans, the interests of the members and the credit unions, and such other factors as the Administrator deems relevant.

“(B) A self-replenishing line of credit to a borrower may be established to a stated maximum amount on certain terms and conditions which may be different from the terms and conditions established for another borrower.

“(C) Loans to other credit unions shall be approved by the board of directors.

“(D) Loans to credit union organizations shall be approved by the board of directors and shall not exceed 1 per centum of the paid-in and unimpaired capital and surplus of the credit union. A credit union organization means any organization as determined by the Administrator, which is established primarily to serve the needs of its member credit unions, and whose business relates to the daily operations of the credit unions they serve.

“(E) Participation loans with other credit unions, credit union organizations, or financial organizations shall be in accordance with written policies of the board of directors:

Self-replenishing
line of credit.

Loans to other
credit unions.

Loans to credit
union
organizations.

Participation
loans.

Provided, That a credit union which originates a loan for which participation arrangements are made in accordance with this subsection shall retain an interest of at least 10 per centum of the face amount of the loan.”

(b) Paragraph (6) of such section is repealed.

Repeal.

SEC. 303. (a) Paragraph (7) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is redesignated as paragraph (6) and is amended to read as follows:

“(6) to receive from its members, from other credit unions, from an officer, employee, or agent of those nonmember units of Federal, State, or local governments and political subdivisions thereof enumerated in section 207 of this Act and in the manner so prescribed, and from nonmembers in the case of credit unions serving

Payments on shares and share certificates.

12 USC 1787.

predominately low-income members (as defined by the Administrator) payments on shares which may be issued at varying dividend rates, and payments on share certificates which may be issued at varying dividend rates and maturities, subject to such terms, rates, and conditions as may be established by the board of directors, within limitations prescribed by the Administrator.”.

(b) Paragraph (8) of such section is redesignated as paragraph (7) and amended by adding the following paragraph:

“(I) in the shares, stocks, or obligations of any other organization, providing services which are associated with the routine operations of credit unions, up to 1 per centum of the total paid in and unimpaired capital and surplus of the credit union with the approval of the Administrator: *Provided, however*, That such authority does not include the power to acquire control directly or indirectly, of another financial institution, nor invest in shares, stocks or obligations of an insurance company, trade association, liquidity facility or any other similar organization, corporation, or association, except as otherwise expressly provided by this Act;”.

(c) Paragraphs (9) through (14) of section 107 are redesignated paragraphs (8) through (13).

(d) Paragraph (13), as redesignated, of section 107 is amended by inserting after the first comma the following: “to purchase, sell, pledge, or discount or otherwise receive or dispose of, in whole or in part, any eligible obligations (as defined by the Administrator) of its members and”.

(e) Section 107 is further amended by adding the following new paragraph after paragraph (13):

“(14) to sell all or a part of its assets to another credit union, to purchase all or part of the assets of another credit union and to assume the liabilities of the selling credit union and those of its members subject to regulations of the Administrator;”.

SEC. 304. Section 114 of the Federal Credit Union Act (12 U.S.C. 1761c) is amended as follows:

Credit committee.

(1) by adding “and lines of credit” after “loans” in the first sentence;

(2) by striking “No loan shall be made unless it is approved” in the third sentence and inserting in lieu thereof “Except for those loans or lines of credit required to be approved by the board of directors in section 107(5) of this Act, approval of an application shall be” and by adding “and lines of credit” after “the power to approve loans”;

(3) by striking "loan" as it appears after "each" and before "approved" in the fourth sentence, and inserting in lieu thereof "application";

(4) by striking "loans" in the fifth sentence and inserting in lieu thereof "applications";

(5) by striking "for any loan which" in the sixth sentence and inserting in lieu thereof "with respect to any loan or line of credit for which the application";

(6) by adding "and lines of credit" after "loans" in the eighth sentence and by striking "the purpose for which the loan is desired";

(7) by striking the ninth sentence; and

(8) by striking "\$200 or" and "whichever is greater", in the tenth sentence.

Reserves.

SEC. 305. Section 116 of the Federal Credit Union Act (12 U.S.C. 1762) is amended by striking out the first sentence of subsection (a) and inserting in lieu thereof "At the end of each accounting period the gross income shall be determined." and by striking out all after the colon in subsection (a), by striking out subsection (b), and by inserting in lieu thereof the following:

"(1) A credit union in operation for more than four years and having assets of \$500,000 or more shall set aside (A) 10 per centum of gross income until the regular reserve shall equal 4 per centum of the total of outstanding loans and risk assets, then (B) 5 per centum of gross income until the regular reserve shall equal 6 per centum of the total of outstanding loans and risk assets.

"(2) A credit union in operation less than four years or having assets of less than \$500,000 shall set aside (A) 10 per centum of gross income until the regular reserve shall equal 7½ per centum of the total of outstanding loans and risk assets, then (B) 5 per centum of gross income until the regular reserve shall equal 10 per centum of the total of outstanding loans and risk assets.

"(3) Whenever the regular reserve falls below the stated per centum of the total of outstanding loans and risk assets, it shall be replenished by regular contributions in such amounts as may be needed to maintain the stated reserve goals.

Reserve requirement, decrease.

"(b) The Administrator may decrease the reserve requirement set forth in subsection (a) of this section when in his opinion such a decrease is necessary or desirable. The Administrator may also require special reserves to protect the interests of members either by regulation or for an individual credit union in any special case."

SEC. 306. Subsection (b) (3) (B) of section 120 of the Federal Credit Union Act (12 U.S.C. 1766) is amended by striking out "shares" and inserting in lieu thereof "member accounts".

Director, officer, or committee member, removal.

SEC. 307. (a) Subsection (g) (1) of section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by striking out "and that such violation or practice or breach of fiduciary duty is one involving personal dishonesty on the part of such director, officer, or committee member".

(b) Subsection (g) (2) of such section is amended by changing "dishonesty and unfitness" to read "dishonesty or unfitness" each place it appears therein.

Member account.

SEC. 308. Paragraph (4) of section 101 of the Federal Credit Union Act (12 U.S.C. 1752), the second time it appears therein, is amended by inserting immediately before the semicolon at the end thereof the following: "; and such terms mean those accounts of nonmember credit unions and nonmember units of Federal, State, or local governments and political subdivisions thereof in which payments are received by a credit union pursuant to section 107 (6) of this Act;".

SEC. 309. The third sentence of section 113 of the Federal Credit Union Act (12 U.S.C. 1761b) is amended by striking out "that may be held by an individual" and inserting in lieu thereof "and share certificates and the classes of shares and share certificates that may be held", and by striking out "and the maximum amount which may be loaned with or without security to any member" and inserting in lieu thereof "the security, and the maximum amount which may be loaned or provided in lines of credit".

Board of
directors.

SEC. 310. Section 117 of the Federal Credit Union Act (12 U.S.C. 1763) is amended to read as follows:

"DIVIDENDS

"SEC. 117. At such intervals as the board of directors may authorize, and after provision for required reserves, the board may declare, pursuant to such regulations as may be issued by the Administrator, a dividend to be paid at different rates on different types of shares and at different rates and maturity dates in the case of share certificates. Dividend credit may be accrued on various types of shares and share certificates as authorized by the board of directors."

Approved April 19, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-23 (Comm. on Banking, Finance and Urban Affairs) and No. 95-160 (Comm. of Conference).

SENATE REPORT No. 95-33 accompanying S. 756 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 1, considered and passed House; considered and passed Senate, amended, in lieu of S. 756.

Apr. 4, Senate agreed to conference report.

Apr. 5, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 17:

Apr. 19, Presidential statement.

Public Law 95-23
95th Congress

An Act

Apr. 30, 1977
[S. 489]

To authorize supplemental military assistance to Portugal for the fiscal year 1977, and for other purposes.

Portugal.
Supplemental
military
assistance.
22 USC 2312.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 504 (a) (1) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out “\$177,300,000” in the first sentence and inserting in lieu thereof “\$179,550,000”; and

(2) by inserting the following at the end of the table in the second sentence:

“Portugal..... \$82, 250, 000”.

Approved April 30, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-81 accompanying H.R. 3976 (Comm. on International Relations).

SENATE REPORT No. 95-43 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 15, considered and passed Senate.

Mar. 22, considered and passed House, amended, in lieu of H.R. 3976.

Apr. 6, Senate concurred in House amendments with an amendment.

Apr. 19, House agreed to Senate amendment.

Public Law 95-24
95th Congress

An Act

To authorize additional funds for housing assistance for lower income Americans in fiscal year 1977, to extend the Federal riot reinsurance and crime insurance programs, and for other purposes.

Apr. 30, 1977
[H.R. 3843]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Supplemental Housing Authorization Act of 1977".

Supplemental
Housing
Authorization Act
of 1977.
12 USC 1701
note.

TITLE I—SUPPLEMENTAL AUTHORIZATIONS AND
EXTENSIONS OF HUD PROGRAMS

AMENDMENTS TO THE UNITED STATES HOUSING ACT
OF 1937

SEC. 101. (a) The first sentence of section 5(c) of the United States Housing Act of 1937 is amended by striking out "and by \$850,000,000 on October 1, 1976" and inserting in lieu thereof "and by \$1,228,050,000 on October 1, 1976".

42 USC 1437c.

(b) Section 9(c) of such Act is amended by striking out "and not to exceed \$576,000,000 on or after October 1, 1976" and inserting in lieu thereof "and not to exceed \$595,600,000 on or after October 1, 1976".

42 USC 1437g.

(c) Section 8(e)(1) of such Act is amended—

42 USC 1437f.

(1) by striking out "two hundred and forty months" in the first sentence and inserting in lieu thereof "three hundred and sixty months, except that such term may not exceed two hundred and forty months in the case of a project financed with assistance of a loan made by, or insured, guaranteed or intended for purchase by, the Federal Government, other than pursuant to section 244 of the National Housing Act"; and

12 USC 1715z-9.

(2) by striking out "In the case of" in the second sentence and inserting "Notwithstanding the preceding sentence, in the case of".

GENERAL INSURANCE FUND

SEC. 102. Section 519(f) of the National Housing Act is amended by striking out "\$500,000,000" and inserting in lieu thereof "\$1,341,000,000".

12 USC 1735c.

URBAN HOMESTEADING DEMONSTRATION

SEC. 103. Section 810(g) of the Housing and Community Development Act of 1974 is amended by striking out "not to exceed \$5,000,000 for fiscal year 1977" and inserting in lieu thereof "not to exceed \$15,000,000 for fiscal year 1977".

12 USC 1706e.

EXTENSION OF HUD INSURANCE AUTHORITIES

SEC. 104. (a) Section 1201 of the National Housing Act is amended—

12 USC 1749bbb.

(1) by striking out, in subsection (b)(1), "April 30, 1977" and inserting in lieu thereof "September 30, 1978";

(2) by striking out, in subsection (b) (1) (A), "April 30, 1978" and inserting in lieu thereof "September 30, 1981"; and

(3) by striking out in subsection (b) (2), "April 30, 1978" and inserting in lieu thereof "September 30, 1978".

12 USC
1749bbb-8.

(b) Section 1222(d) of such Act is amended by inserting immediately before the period at the end thereof a comma and the following: "except that such term shall expire on September 30, beginning in either calendar year 1977 or 1978, as determined by the Secretary".

MISCELLANEOUS PROVISIONS RELATING TO MORTGAGE INSURANCE PROGRAMS

42 USC 1451.

SEC. 105. (a) The first sentence of section 101(c) of title I of the Housing Act of 1949 is amended—

12 USC 1715k.

(1) by striking out "and no mortgage shall be insured, and no commitment to insure a mortgage shall be issued, under section 220 of the National Housing Act, as amended." and

(2) by striking out the first proviso.

(b) Section 220(d) (1) (A) (ii) of the National Housing Act is amended by striking out "in a community respecting which the Secretary of Housing and Urban Development has made the determination provided for by section 101(c) of the Housing Act of 1949, as amended".

CONSTRUCTION OF MODERATE INCOME HOUSING

12 USC 1715L.

SEC. 106. The first sentence of section 221(d) (4) of the National Housing Act is amended by striking out "other than a mortgagor referred to in subsection (d) (3) of this section,".

National
Neighborhood
Policy Act.

TITLE II—NATIONAL COMMISSION ON NEIGHBORHOODS

SHORT TITLE

42 USC 1441
note.

SEC. 201. This title may be cited as the "National Neighborhood Policy Act".

FINDINGS AND PURPOSE

42 USC 1441
note.

SEC. 202. (a) The Congress finds and declares that existing city neighborhoods are a national resource to be conserved and revitalized wherever possible, and that public policy should promote that objective.

(b) The Congress further finds that the tendency of public policy incentives to ignore the need to preserve the built environment can no longer be defended, either economically or socially, and must be replaced with explicit policy incentives encouraging conservation of existing neighborhoods. That objective will require a comprehensive review of existing laws, policies, and programs which affect neighborhoods, to assess their impact on neighborhoods, and to recommend modifications where necessary.

ESTABLISHMENT OF COMMISSION

National
Commission on
Neighborhoods.
42 USC 1441
note.
Membership.

SEC. 203. (a) There is hereby established a commission to be known as the National Commission on Neighborhoods (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of twenty members, to be appointed as follows:

(1) two Members of the Senate appointed by the President of the Senate;

(2) two Members of the House of Representatives appointed by the Speaker of the House of Representatives; and

(3) sixteen public members appointed by the President of the United States from among persons specially qualified by experience and training to perform the duties of the Commission, at least five of whom shall be elected officers of recognized neighborhood organizations engaged in development and revitalization programs, and at least five of whom shall be elected or appointed officials of local governments involved in preservation programs. The remaining members shall be drawn from outstanding individuals with demonstrated experience in neighborhood revitalization activities, from such fields as finance, business, philanthropic, civic, and educational organizations.

The individuals appointed by the President of the United States shall be selected so as to provide representation to a broad cross section of racial, ethnic, and geographic groups. The two members appointed pursuant to clause (1) may not be members of the same political party, nor may the two members appointed pursuant to clause (2) be members of the same political party. Not more than eight of the members appointed pursuant to clause (3) may be members of the same political party.

(c) The Chairman shall be appointed by the President, by and with the advice and consent of the Senate, from among the public members.

Chairman.

(d) The executive director shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals recommended by the Commission.

Executive director.

DUTIES

SEC. 204. (a) The Commission shall undertake a comprehensive study and investigation of the factors contributing to the decline of city neighborhoods and of the factors necessary to neighborhood survival and revitalization. Such study and investigation shall include, but not be limited to—

Study and investigation.
42 USC 1441 note.

(1) an analysis of the impact of existing Federal, State, and local policies, programs, and laws on neighborhood survival and revitalization;

(2) an identification of the administrative, legal, and fiscal obstacles to the well-being of neighborhoods;

(3) an analysis of the patterns and trends of public and private investment in urban areas and the impact of such patterns and trends on the decline or revitalization of neighborhoods;

(4) an assessment of the existing mechanisms of neighborhood governance and of the influence exercised by neighborhoods on local government;

(5) an analysis of the impact of poverty and racial conflict on neighborhoods;

(6) an assessment of local and regional development plans and their impact on neighborhoods; and

(7) an evaluation of existing citizen-initiated neighborhood revitalization efforts and a determination of how public policy can best support such efforts.

(b) The Commission shall make recommendations for modifications in Federal, State, and local laws, policies, and programs necessary to facilitate neighborhood preservation and revitalization. Such recommendations shall include, but not be limited to—

Recommendations for Federal, State, and local governments.

(1) new mechanisms to promote reinvestment in existing city neighborhoods;

(2) more effective means of community participation in local governance;

(3) policies to encourage the survival of economically and socially diverse neighborhoods;

(4) policies to prevent such destructive practices as blockbusting, redlining, resegregation, speculation in reviving neighborhoods, and to promote homeownership in urban communities;

(5) policies to encourage better maintenance and management of existing rental housing;

(6) policies to make maintenance and rehabilitation of existing structures at least as attractive from a tax viewpoint as demolition and development of new structures;

(7) modification in local zoning and tax policies to facilitate preservation and revitalization of existing neighborhoods; and

(8) reorientation of existing housing and community development programs and other tax and subsidy policies that affect neighborhoods, to better support neighborhood preservation efforts.

Report to
Congress and
President.

(c) Not later than one year after the date on which funds first become available to carry out this title, the Commission shall submit to the Congress and the President a comprehensive report on its study and investigation under this subsection which shall include its findings, conclusions, and recommendations and such proposals for legislation and administrative action as may be necessary to carry out its recommendations.

COMPENSATION OF MEMBERS

42 USC 1441
note.

SEC. 205. (a) Members of the Commission who are Members of Congress or full-time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Commission.

(b) Members of the Commission, other than those referred to in subsection (a), shall receive compensation at the rate of \$100 per day for each day they are engaged in the actual performance of the duties vested in the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

ADMINISTRATIVE PROVISIONS

Appointments
and compensation
in competitive
service.
42 USC 1441
note.

SEC. 206. (a) The Commission shall have the power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, but at rates not in excess of a maximum rate for GS-18 of the General Schedule under section 5332 of such title.

Experts and
consultants.

(b) The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants. Persons so employed shall receive compensation at a rate to be fixed by the Commission but not in excess of \$100 per day, including traveltime. While away from his or her home or regular place of business in the performance of services for the Commission, any such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by

section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(c) Each department, agency, and instrumentality of the United States is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title.

(d) The Commission may award contracts and grants for the purposes of evaluating existing neighborhood revitalization programs and the impact of existing laws on neighborhoods. Awards under this subsection may be made to—

Contracts and grants.

(1) representatives of legally chartered neighborhood organizations;

(2) public interest organizations which have a demonstrated capability in the area of concern; and

(3) universities and other not-for-profit educational organizations.

(e) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold hearings, take testimony, and administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or member thereof. Hearings by the Commission will be held in neighborhoods with testimony received from citizen leaders and public officials who are engaged in neighborhood revitalization programs.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 207. There are authorized to be appropriated not to exceed \$1,000,000 to carry out this title.

42 USC 1441 note.

EXPIRATION OF THE COMMISSION

SEC. 208. The Commission shall cease to exist thirty days after the submission of its report under section 204.

42 USC 1441 note.

Approved April 30, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-42 (Comm. on Banking, Finance and Urban Affairs) and No. 95-221 (Comm. of Conference).

SENATE REPORT No. 95-61 accompanying S. 1070 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 10, considered and passed House.

Apr. 4, S. 1070 considered and passed Senate.

Apr. 5, considered and passed Senate, amended, in lieu of S. 1070.

Apr. 26, Senate agreed to conference report.

Apr. 28, House agreed to conference report.

Public Law 95-25
95th Congress

An Act

May 4, 1977
[S. 385]

To name a certain Federal building in Grand Rapids, Michigan, the "Gerald R. Ford Building".

Gerald R. Ford
Building, Mich.
Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal building located at 110 Michigan Avenue, Northwest, in Grand Rapids, Michigan, is hereby designated as the "Gerald R. Ford Building". Any reference in any law, regulation, document, record, map, or other paper of the United States to such building shall be considered to be a reference to the Gerald R. Ford Building.

Approved May 4, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-165 accompanying H.R. 2210 (Comm. on Public Works and Transportation).

SENATE REPORT No. 95-6 (Comm. on Public Works).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Feb. 11, considered and passed Senate.

Apr. 25, considered and passed House, in lieu of H.R. 2210.

Public Law 95-26
95th Congress

An Act

Making supplemental appropriations for the fiscal year ending September 30, 1977,
and for other purposes.

May 4, 1977
[H.R. 4877]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated to supply supplemental appropriations (this Act may be cited as the "Supplemental Appropriations Act, 1977") for the fiscal year ending September 30, 1977, and for other purposes, namely:

Supplemental
Appropriations
Act, 1977.

TITLE I

CHAPTER I

DEPARTMENT OF AGRICULTURE

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General",
\$396,000.

OFFICE OF THE GENERAL COUNSEL

For an additional amount for "Office of the General Counsel",
\$156,000.

FEDERAL GRAIN INSPECTION SERVICE

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$150,000 for employment under 5 U.S.C. 3109; \$1,397,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building. (7 U.S.C. 71, 74-79, 84-87h, 1621-1627.)

7 USC 71.

7 USC 1621 not

INSPECTION AND WEIGHING SERVICES

For expenses necessary to capitalize the revolving fund under the provisions of the United States Grain Standards Act, as amended (7 U.S.C. 71, 74-79, 84-87h), \$11,307,000.

AGRICULTURAL RESEARCH SERVICE

For an additional amount for "Agricultural Research Service",
\$1,320,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

For an additional amount for “Animal and Plant Health Inspection Service”, \$6,162,000.

COOPERATIVE STATE RESEARCH SERVICE

For an additional amount for “Cooperative State Research Service”, \$2,257,000, including \$1,810,000 for contracts and grants for scientific research under the Act of August 4, 1965 (7 U.S.C. 450i).

EXTENSION SERVICE

7 USC 343. For “Payments for the Pesticide Impact Assessment Program under
7 USC 3004. section 3(d) of the Act”, \$735,000; for payments under section 5 of the
Farmer-to-Consumer Direct Marketing Act of 1976, \$500,000; and for
additional amounts for “Federal Administration and Coordination”,
\$176,000.

STATISTICAL REPORTING SERVICE

For an additional amount for “Statistical Reporting Service”, \$627,000.

ECONOMIC RESEARCH SERVICE

For an additional amount for “Economic Research Service”, \$720,000.

PACKERS AND STOCKYARDS ADMINISTRATION

For an additional amount for “Packers and Stockyards Administration”, \$619,000.

FEDERAL CROP INSURANCE CORPORATION

LIMITATION ON ADMINISTRATIVE AND OPERATING EXPENSES

An additional amount not to exceed \$750,000 for administrative and operating expenses may be paid from premium income.

SUBSCRIPTION TO CAPITAL STOCK

To enable the Secretary of the Treasury to subscribe and pay for capital stock of the Federal Crop Insurance Corporation, as provided in section 504 of the Federal Crop Insurance Act (7 U.S.C. 1504), \$60,000,000: *Provided*, That \$50,000,000 shall be made available only upon enactment into law of authorizing legislation.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

For an additional amount for “Reimbursement for Net Realized Losses”, \$710,000,000.

FARMERS HOME ADMINISTRATION

RURAL WATER AND WASTE DISPOSAL GRANTS

For an additional amount for “Rural Water and Waste Disposal Grants”, \$75,000,000.

RURAL DEVELOPMENT INSURANCE FUND

For an additional amount for the “Rural Development Insurance Fund” for “water and sewer facility loans”, \$150,000,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

For an additional amount to carry out the Agricultural Conservation Program, \$100,000,000, to incur obligations for the period ending September 30, 1977, and to liquidate such obligations for soil and water conserving practices in major drought or flood damaged areas as designated by the President or the Secretary of Agriculture: *Provided*, That not to exceed 5 per centum of the amount herein may be withheld with the approval of the State committee and allotted to the Soil Conservation Service for services of its technicians in the designated drought or flood damaged areas.

FOOD AND NUTRITION SERVICE

FOOD DONATIONS PROGRAM

For an additional amount for “Food Donations Program”, \$3,943,000.

FOOD STAMP PROGRAM

For necessary expenses of the Food Stamp Program pursuant to the Food Stamp Act of 1964, \$720,000,000, to remain available until expended. 7 USC 2011 note.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military personnel, Army”, \$1,167,000, to remain available for obligation until September 30, 1978.

MILITARY PERSONNEL, NAVY

For an additional amount for “Military personnel, Navy”, \$888,000, to remain available for obligation until September 30, 1978.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military personnel, Air Force”, \$910,000, to remain available for obligation until September 30, 1978.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and maintenance, Army”, \$24,900,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and maintenance, Navy”, \$24,700,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and maintenance, Marine Corps”, \$5,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and maintenance, Air Force”, \$27,000,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for “Operation and maintenance, Defense Agencies”, \$10,700,000, of which \$9,500,000 shall be available only for the Uniformed Services University of the Health Sciences, this \$9,500,000 to remain available for obligation until September 30, 1978.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for “Operation and maintenance, Army Reserve”, \$1,900,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for “Operation and maintenance, Navy Reserve”, \$800,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for “Operation and maintenance, Marine Corps Reserve”, \$300,000.

ADMINISTRATIVE PROVISION

90 Stat. 1296. The limitation on the use of funds for legislative liaison activities of the Department of Defense for fiscal year 1977 contained in section 728 of the Department of Defense Appropriation Act, 1977, is hereby increased from \$5,000,000 to \$7,400,000.

RELATED AGENCIES

INTELLIGENCE COMMUNITY OVERSIGHT

For an additional amount for “Intelligence Community Oversight”, \$2,913,000.

CHAPTER III

TEMPORARY COMMISSION ON FINANCIAL OVERSIGHT
OF THE DISTRICT OF COLUMBIA

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Act creating the Temporary Commission on Financial Oversight of

the District of Columbia (Public Law 94-399), \$1,500,000, which shall be available until expended: *Provided*, That all expenditures shall be approved by the Chairman of the Commission.

D.C. Code
47-101 note.

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia", for the general fund of the District of Columbia, \$16,202,600.

For "Inaugural expenses", \$650,000.

DISTRICT OF COLUMBIA FUNDS

PUBLIC SAFETY

For an additional amount for "Public safety", \$547,400.

HUMAN RESOURCES

For an additional amount for "Human resources", \$6,200,000.

TRANSPORTATION

For an additional amount to enable the District of Columbia to meet its share of any operating deficit incurred in connection with the operation of the Phase I segment of the Metrorail system covering the period January 1, 1977, to June 30, 1977, \$846,000, except that no such amount, or part thereof, shall be obligated until commitments have been made for the total operating deficit associated with the Phase I segment.

PERSONAL SERVICES

For an additional amount for "Personal services", \$31,833,400, of which \$1,866,000 shall be payable from the revenue sharing trust fund, and \$4,000,000 shall be payable from funds to be received under Title II, Public Works Employment Act (Public Law 94-369), for pay increases and related costs, to be transferred by the Mayor of the District of Columbia to the appropriations for the fiscal year 1977 from which employees are properly payable.

42 USC 6721.

SETTLEMENT OF CLAIMS AND SUITS

For an additional amount for "Settlement of claims and suits", \$67,500.

INAUGURAL EXPENSES

For "Inaugural expenses", \$650,000.

DIVISION OF EXPENSES

The sums appropriated herein for the District of Columbia shall be paid out of the general fund of the District of Columbia, except as otherwise specifically provided.

ADMINISTRATIVE PROVISIONS

Authorization is hereby provided to the Government of the District of Columbia to make retroactive cost of living payments out of funds heretofore appropriated to such Government, to day care providers under contract to the city during the period July 1, 1975, to September 30, 1976, but not to exceed the amount of \$855,000.

CHAPTER IV

FOREIGN OPERATIONS

FUNDS APPROPRIATED TO THE PRESIDENT

ECONOMIC ASSISTANCE

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For an additional amount for "International organizations and programs", \$31,000,000: *Provided*, That of the funds appropriated under this paragraph, \$3,000,000 shall be allocated for a contribution to the International Atomic Energy Agency to strengthen the Agency's safeguards program, and \$28,000,000 shall be allocated for a contribution to the United Nations Relief and Works Agency.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to the Foreign Service Retirement and Disability Fund", \$4,570,000.

ISRAEL-UNITED STATES BINATIONAL INDUSTRIAL RESEARCH AND DEVELOPMENT FOUNDATION

7 USC 1704.

For necessary expenses as authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended, \$30,000,000, for payment by the Secretary of the Treasury of the equivalent of \$30,000,000 Israeli pounds to be obtained by the prepayment of a portion of Israel's local currency debt to the United States, as the United States share of the endowment of the Israel-United States Binational Industrial Research and Development Foundation, to remain available until expended.

MILITARY ASSISTANCE

For necessary expenses to carry out military assistance to Portugal, \$17,250,000: *Provided*, That this appropriation shall be made available only upon enactment into law of authorizing legislation.

INDEPENDENT AGENCY

ACTION—INTERNATIONAL PROGRAMS

PEACE CORPS

90 Stat. 1470.

The first proviso under this heading of the Foreign Assistance and Related Programs Appropriations Act, 1977, Public Law 94-441, is amended by striking out "\$49,563,000" and substituting in lieu thereof "\$48,907,000".

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and refugee assistance", \$18,725,000, to remain available until December 31, 1977: *Provided*, That of the funds appropriated under this paragraph, \$3,000,000 shall be allocated for reception and placement of refugees in the United States: *Provided further*, That this appropriation shall be made available only upon enactment into law of authorizing legislation.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", \$3,660,000, to remain available until expended.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

INVESTMENT IN ASIAN DEVELOPMENT BANK

For payment by the Secretary of the Treasury of the United States share of the initial resource mobilization of the Asian Development Fund, authorized by the Asian Development Bank Act of December 22, 1974 (Public Law 93-537), \$25,000,000, to remain available until expended.

88 Stat. 1735.
22 USC 285q,
285r.

INVESTMENT IN INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury of the United States share of the increase in subscription to capital stock and in the resources of the Fund for Special Operations, as authorized by the Inter-American Development Bank Act of May 31, 1976 (Public Law 94-302), \$316,000,000, to remain available until expended; of which not more than \$36,000,000 shall be available for paid-in capital stock, not more than \$120,000,000 shall be available for callable capital stock, and not more than \$160,000,000 shall be available for the Fund for Special Operations.

90 Stat. 591.
22 USC 283w.

INVESTMENT IN INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment by the Secretary of the Treasury of the remaining portion of the first installment of the United States contribution to the fourth replenishment of the resources of the International Development Association, as authorized by the International Development Association Act of August 14, 1974 (Public Law 93-373), \$55,000,000, to remain available until expended.

88 Stat. 445.
22 USC 284l,
284m.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

None of the funds made available for Operating Expenses of the Agency for International Development in fiscal year 1977 shall be available for leasing, purchasing, renovating, or furnishing of housing or office space in Cairo, Egypt, except through the Foreign Building Operations of the Department of State.

CHAPTER V

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

90 Stat. 1095.

The additional amount of contracts for annual contributions provided under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1977 (Public Law 94-378), is hereby increased, subject to the limitations contained therein, by \$413,143,000: *Provided*, That the total new budget authority provided under this heading in said Act is hereby increased by \$13,112,405,000: *Provided further*, That \$3,489,390,000 of such amount shall become available upon enactment into law of necessary authorizing legislation increasing the term of contracts permissible under said Act.

HOUSING FOR THE ELDERLY OR HANDICAPPED

12 USC 1701q.

The limitation on the aggregate loans that may be made under section 202 of the Housing Act of 1959 from the fund authorized by subsection (a) (4) of such section for the fiscal year 1977 is hereby increased by \$100,000,000.

HOUSING PAYMENTS

For an additional amount for "Housing payments", \$411,500,000.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For an additional amount for "Payments for operation of low-income housing projects", \$20,000,000.

FEDERAL HOUSING ADMINISTRATION FUND

For an additional amount for Federal Housing Administration Fund, \$1,801,344,000, to remain available until expended: *Provided*, That \$15,000,000 shall be available for reimbursement to the Federal Housing Administration Funds for losses incurred under the urban homesteading program (12 U.S.C. 1706e).

EMERGENCY HOMEOWNERS' RELIEF FUND

12 USC 2701
note.

For emergency mortgage relief payments and for other expenses authorized by title I of the Emergency Housing Act of 1975 (Public Law 94-50), \$1,000,000.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT AND CONTROL

For an additional amount for "Abatement and control", \$3,500,000, to remain available until September 30, 1978.

CONSTRUCTION GRANTS

For necessary expenses to carry out Title II of the Federal Water Pollution Control Act, as amended, other than sections 206, 208, and 209, \$1,000,000,000, to remain available until expended: *Provided*, That the funds shall be allotted in accordance with the table on page 16 of Senate Report Number 95-38, adjusted proportionally in accordance with the above appropriation: *Provided further*, That the funds shall not be subject to the reallocation provisions of section 205(b) of the Federal Water Pollution Control Act, as amended, until three years from the date of enactment of this provision.

33 USC 1281.

33 USC 1286,
1288, 1289.

33 USC 1285.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$870,000.

DEPARTMENT OF THE TREASURY

OFFICE OF REVENUE SHARING, SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$350,000.

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

TRANSFER OF UNEXPENDED BALANCES

For an additional amount for "Compensation and pensions", \$588,450,000, to be derived by transfer from the unobligated balance available in "Readjustment benefits", to remain available until expended.

MEDICAL CARE

For an additional amount for "Medical care", \$27,192,000.

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", \$1,750,000, including reimbursement of the Department of Defense for the cost of overseas employee mail.

ASSISTANCE FOR HEALTH MANPOWER TRAINING INSTITUTIONS

For an additional amount for "Assistance for health manpower training institutions", \$10,045,000, which shall be available for subchapter II, III and IV programs pursuant to 38 U.S.C. 5082, to remain available until September 30, 1983.

38 USC 5081,
5091, 5096.

CHAPTER VI

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", \$44,495,000, of which \$3,500,000 is for range betterment activities in accordance with section 401(b)(1) Public Law 94-579.

43 USC 1751.

CONSTRUCTION AND MAINTENANCE

For an additional amount for “Construction and maintenance”, \$600,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

31 USC 1601.

For expenses necessary to implement Public Law 94-565, \$100,000,000, of which not to exceed \$200,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

43 USC 1734,
1735, 1764.

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976, Public Law 94-579, to remain available until expended.

BUREAU OF OUTDOOR RECREATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$800,000.

LAND AND WATER CONSERVATION FUND

For an additional amount to be derived from the “Land and Water Conservation Fund”, \$140,743,000, to remain available until expended, of which no more than \$108,693,000 shall be available to the National Park Service and no more than \$13,250,000 shall be available to the United States Fish and Wildlife Service and no more than \$18,800,000 shall be available to the United States Forest Service.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for “Resource management”, \$15,475,000, including the purchase of not to exceed 110 passenger motor vehicles and 1 additional aircraft, of which \$4,025,000 shall remain available until September 30, 1978.

CONSTRUCTION AND ANADROMOUS FISH

For an additional amount for “Construction and anadromous fish”, \$7,000,000, to remain available until expended.

MIGRATORY BIRD CONSERVATION ACCOUNT

For an additional amount for “migratory bird conservation account”, \$10,000,000, to remain available until expended.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the national park system", \$10,000,000.

PLANNING AND CONSTRUCTION

For an additional amount for "Planning and construction", \$90,855,000, to remain available until expended.

PRESERVATION OF HISTORIC PROPERTIES

For an additional amount for "Preservation of historic properties", \$1,000,000, to remain available until expended.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For an additional amount for "John F. Kennedy Center for the Performing Arts", \$4,500,000, to remain available until expended: *Provided*, That these funds shall be available only upon enactment of S. 521, Ninety-fifth Congress, or similar legislation.

Post, p. 232.

GEOLOGICAL SURVEY

SURVEY, INVESTIGATION AND RESEARCH

For an additional amount for "Survey, Investigation and Research" \$5,000,000: *Provided*, That this amount shall be available only with cooperation of the states or municipalities for water resources investigations.

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$2,388,000.

BUREAU OF MINES

MINES AND MINERALS

For an additional amount for "Mines and minerals", \$10,800,000.

CONSTRUCTION OF METALLURGY RESEARCH CENTER

To establish, equip, operate, and maintain a metallurgy research center on the Fort Douglas Military Reservation, Utah, \$9,259,000, notwithstanding section 2 of the Act of May 1, 1972 (Public Law 92-287), to remain available until expended.

86 Stat. 133.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian programs", \$10,140,000.

TERRITORIAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For an additional amount for "Administration of territories", \$34,200,000, of which \$15,000,000 shall be available only upon enactment of authorizing legislation, to remain available until expended, including \$8,500,000 for grants to the Virgin Islands and \$25,700,000, of which \$15,000,000 shall be available only upon enactment of authorizing legislation for grants to Guam.

TRUST TERRITORY OF THE PACIFIC ISLANDS

48 USC 1681
note.

For an additional amount for "Trust Territory of the Pacific Islands", \$22,460,000, to remain available until expended, including not to exceed \$10,000,000 to offset losses in Federal grants-in-aid as authorized by Public Law 94-255: *Provided*, That \$4,000,000 for grants for the rehabilitation of Enewetak Atoll in the Marshall Islands shall be available only upon enactment into law of authorizing legislation.

OFFICE OF THE SECRETARY

DEPARTMENTAL OPERATIONS

For an additional amount for "Departmental operations", \$450,000.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For an additional amount for "Forest protection and utilization", \$233,005,000.

CONSTRUCTION AND LAND ACQUISITION

For an additional amount for "Construction and land acquisition", \$21,873,000, to remain available until expended.

YOUTH CONSERVATION CORPS

For an additional amount for "Youth Conservation Corps", \$29,650,000, to remain available until the end of the fiscal year following the fiscal year for which appropriated: *Provided*, That \$14,825,000 shall be available to the Secretary of the Interior and \$14,825,000 shall be available to the Secretary of Agriculture.

FOREST ROADS

For an additional amount for "Forest Roads", \$33,800,000.

TIMBER SALVAGE SALES

For design, engineering, and supervision of construction of roads for salvage timber sales and for sale preparation and supervision of harvesting of such timber, \$3,000,000, to remain available until

expended: *Provided*, That this appropriation shall be merged with and made a part of the designated fund authorized by section 14(h) of Public Law 94-588, October 22, 1976.

16 USC 472a.

FOREST ROADS AND TRAILS

For expenses necessary for carrying out the provisions of 16 U.S.C. 528-538 and 551, relating to the construction and maintenance of forest development roads and trails \$6,000,000, to remain available until expended.

FEDERAL ENERGY ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$58,301,000, of which \$39,500,000 shall remain available for obligation until December 31, 1977.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

For an additional amount for "Indian health services", \$1,000,000.

INDIAN HEALTH FACILITIES

For an additional amount for "Indian health facilities", \$75,000,000, to remain available until expended.

OFFICE OF EDUCATION

INDIAN EDUCATION

For an additional amount for "Indian Education", \$12,200,000, including \$12,000,000 for part A and \$200,000 for part C of the Indian Education Act.

86 Stat. 334,
342.

OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION

20 USC 242,
241c, 240, 241a
note, 1211a.

INSTITUTE OF MUSEUM SERVICES

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, \$100,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

20 USC 961 note.
5 USC 5316.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SALARIES AND EXPENSES

For an additional amount for administering the provisions of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$203,000.

20 USC 951 note.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$18,000,000, to remain available until expended, of which \$9,000,000

20 USC 959.

20 USC 954. shall be available to the National Endowment for the Arts for purposes of section 5(1) and \$9,000,000 shall be available to the National
 20 USC 956. Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman of each Endowment under the provisions of section 10(a)
 20 USC 959. (2) during the current fiscal year.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$200,000:
 5 USC 5316. *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

LAND ACQUISITION AND DEVELOPMENT

The Pennsylvania Avenue Development Corporation is authorized to borrow from the Treasury of the United States \$25,000,000 pursuant to the terms and conditions specified in paragraph 10, section 6, of
 40 USC 875. Public Law 92-578.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by Public Law 94-388, \$4,081,000, to remain available for obligation until September 30, 1990.
 40 USC 885.

CHAPTER VII

DEPARTMENT OF LABOR

LABOR-MANAGEMENT SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$892,000.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$3,053,000.

SPECIAL BENEFITS

For an additional amount for "Special benefits", \$19,131,000.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

90 Stat. 1421. The appropriation under this heading in Public Law 94-439 for fiscal year 1977 is hereby amended by striking out "of which \$5,614,000" and inserting in lieu thereof "of which \$7,014,000".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES ADMINISTRATION

HEALTH SERVICES

For an additional amount for "Health services" for carrying out, to the extent not otherwise provided, titles III and XII of the Public Health Service Act and title VI of Public Law 94-63, \$68,479,000.

42 USC 241,
300d, 247d.

CENTER FOR DISEASE CONTROL

PREVENTIVE HEALTH SERVICES

(TRANSFER OF FUNDS)

For an additional amount for "Preventive health services" for carrying out, to the extent not otherwise provided, sections 317(g) (1) (A), and 318(d) (2) of the Public Health Service Act and the Occupational Safety and Health Act of 1970, \$12,000,000 to be derived by transfer from amounts appropriated in Public Law 94-266 for a comprehensive nationwide influenza immunization program.

42 USC 247b,
247c.
29 USC 651 note.
90 Stat. 363.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM AND DIGESTIVE DISEASES

For an additional amount for "National Institute of Arthritis, Metabolism and Digestive Diseases", \$10,600,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For an additional amount for "National Institute of Environmental Health Sciences", \$2,000,000.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For an additional amount for "Alcohol, drug abuse, and mental health", \$120,949,000: *Provided*, That allotments to each State under section 302 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act shall not be less than the allotments made to such States in fiscal year 1976.

42 USC 4572.

HEALTH RESOURCES ADMINISTRATION

HEALTH RESOURCES

For an additional amount for "Health resources" for carrying out sections 222, 225, 301, 312, 313, and titles VII and XV of the Public Health Service Act and the District of Columbia Medical and Dental Manpower Act of 1970, as amended, \$414,846,000.

42 USC 217a,
234, 241, 244,
245, 292,
300k-1.
D.C. Code
31-921 note.

EDUCATION DIVISION

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for "Elementary and secondary education", \$18,500,000 for carrying out title II of the Indochina Refugee Children Assistance Act of 1976 (Public Law 94-405): *Provided*, That

20 USC 1211b
note.

- 88 Stat. 1771. funds appropriated in Public Law 93-554 for title IV, part B of the
 20 USC 1821. Elementary and Secondary Education Act, shall be available for the
 Territory of Guam without regard to section 403(a)(11) of the
 20 USC 1803. Elementary and Secondary Education Act.

EMERGENCY SCHOOL AID

- For an additional amount for "Emergency school aid", \$17,500,000
 of which \$7,500,000 shall be for carrying out section 707(a) (13)
 20 USC 1606. through 707(a) (15) of the Emergency School Aid Act and \$10,000,000
 20 USC 1607. shall be for activities under section 708(a) of said Act, notwithstanding
 any other provision of said Act, to provide assistance to school
 20 USC 1605. districts for which section 706(a) funding is insufficient to meet their
 needs and which are implementing voluntary plans to eliminate or
 reduce minority group isolation.

EDUCATION FOR THE HANDICAPPED

For an additional amount for "Education for the handicapped",
 \$1,735,000.

OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION

- For an additional amount for "Occupational, vocational, and adult
 education", \$221,855,000, of which \$10,250,000 shall be for title III
 20 USC 1211b. of the Indochina Refugee Children Assistance Act of 1976 (Public
 Law 94-405) and \$114,596,000 shall become available for obligation
 on July 1, 1977 and shall remain available until September 30, 1978:
Provided, That funds appropriated herein and under this head in
 90 Stat. 1427. Public Law 94-439, to become available for obligation on July 1, 1977,
 shall be obligated according to the provisions of section 202 of Public
 90 Stat. 2169. Law 94-482, which shall become effective on July 1, 1977: *Provided*
further, That 50 per centum of the funds provided for exemplary
 20 USC 1301. programs under part D of the Vocational Education Act of 1963 for
 fiscal year 1977 shall remain available until expended and 50 per
 centum shall remain available through September 30, 1978: *Provided*
further, That for fiscal year 1978, funds appropriated for part B,
 20 USC 2401. subpart 2 of the Vocational Education Act shall remain available
 until expended.

HIGHER EDUCATION

- For an additional amount for "Higher education", for carrying out
 the Higher Education Act and the National Defense Education Act,
 20 USC 1001 \$3,187,168,000 of which \$1,903,900,000 shall be for the basic educa-
 note, 401 note. tional opportunity grant program (including \$19,200,000 for admin-
 istrative expenses): *Provided*, That funds contained herein for basic
 educational opportunity grants and incentive grants shall remain
 available through September 30, 1978: *Provided further*, That funds
 contained herein for work-study grants shall remain available
 through September 30, 1979: *Provided further*, That \$5,960,000 shall
 be available for payments authorized by section 421(b) (5) of the
 Higher Education Act to the extent that funds are available under this
 heading during the current fiscal year: *Provided further*, That funds
 20 USC 1071. contained in Public Law 94-94 under this head for work study grants
 shall remain available through September 30, 1978.
 89 Stat. 469.

LIBRARY RESOURCES

For an additional amount for "Library resources", for carrying out titles II, parts A and B, and VI, part A, of the Higher Education Act, and title III, part D, of the Education Amendments of 1976, \$23,475,000. 20 USC 1022, 1031, 1121, 2531.

SPECIAL PROJECTS AND TRAINING

For an additional amount for "Special projects and training", \$37,500,000 for carrying out part A of the Education Professions Development Act. 20 USC 1091.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$4,145,000.

STUDENT LOAN INSURANCE FUND

For an additional amount for "Student Loan Insurance Fund", \$32,312,000 to remain available until expended.

NATIONAL INSTITUTE OF EDUCATION

NATIONAL INSTITUTE OF EDUCATION

For carrying out section 405 of the General Education Provisions Act, including rental of conference rooms in the District of Columbia, \$70,000,000. 20 USC 1221e.

OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$12,930,000, of which \$11,500,000 shall be for carrying out section 404 of the General Education Provisions Act. 20 USC 1221d.

SOCIAL AND REHABILITATION SERVICE

PUBLIC ASSISTANCE

For an additional amount for "Public assistance", \$1,225,197,000.

PROGRAM ADMINISTRATION

For an additional amount for "Program administration", \$1,334,000.

SOCIAL SECURITY ADMINISTRATION

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For an additional amount for "Special benefits for disabled coal miners", \$48,068,000.

SPECIAL INSTITUTIONS

GALLAUDET COLLEGE

For an additional amount for "Gallaudet College", \$958,000.

HOWARD UNIVERSITY

For an additional amount for “Howard University”, \$5,684,000.

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT

HUMAN DEVELOPMENT

For an additional amount for “Human development”, \$9,750,000, of which \$2,700,000 shall be for section 308 of the Older Americans Act, and \$1,300,000 shall be for section 304(b)(3), \$250,000 for section 301, and \$5,500,000 for section 203 of the Rehabilitation Act.

42 USC 3028.
29 USC 774,
771, 763.

DEPARTMENTAL MANAGEMENT

GENERAL DEPARTMENT MANAGEMENT

For an additional amount for “General departmental management”, \$3,040,000, of which \$2,000,000 shall remain available for obligation through September 30, 1978.

RELATED AGENCIES

COMMUNITY SERVICES ADMINISTRATION

COMMUNITY SERVICES PROGRAM

For an additional amount for “Community services program”, \$282,500,000: *Provided*, That funds appropriated by this paragraph shall be available to carry out the Crisis Intervention Program administered by the Community Services Administration as part of its Emergency Energy Conservation Services Program: *Provided further*, That no part of the \$200,000,000 appropriated in this paragraph may be expended for administrative costs for the Crisis Intervention Program.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses” for the White House Conference on Library and Information Services, established by the Act of December 31, 1974 (Public Law 93-568), \$3,500,000, to remain available until expended.

88 Stat. 1855.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$177,000.

RAILROAD RETIREMENT BOARD

REGIONAL RAIL TRANSPORTATION PROTECTIVE ACCOUNT

For an additional amount for payment of benefits under section 509 of the Regional Rail Reorganization Act of 1973, to remain available until expended, \$25,000,000, including not to exceed \$25,000 for payment to the Railroad Retirement Board for administrative expenses.

45 USC 779.

CHAPTER VIII
LEGISLATIVE BRANCH
SENATE

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF
CONGRESS

For payment to Jane B. Hart, widow of Philip A. Hart, late a Senator from the State of Michigan, \$44,600.

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS
AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE LEADERS,
AND WHIPS OF THE SENATE

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS

For an additional amount for "Compensation and Mileage of the Vice President and Senators", \$2,900: *Provided*, That, effective January 5, 1977, the compensation of a Deputy President pro tempore of the Senate shall be at a rate equal to the rate of annual compensation of the President pro tempore and the Majority and Minority Leaders of the Senate. 2 USC 32a.

EXPENSE ALLOWANCES OF THE VICE PRESIDENT, MAJORITY AND
MINORITY LEADERS AND MAJORITY AND MINORITY WHIPS

For an additional amount for "Expense Allowances of the Vice President, Majority and Minority Leaders and Majority and Minority Whips", \$6,500: *Provided*, That, effective with fiscal year 1977 and each fiscal year thereafter, the expense allowance of the Majority and Minority Leaders of the Senate shall not exceed \$5,000 each fiscal year for each Leader: *Provided further*, That, effective April 1, 1977, there is hereby authorized an expense allowance for the Majority and Minority Whips of the Senate which shall not exceed \$2,500 each fiscal year for each Whip: *Provided further*, That, during the period beginning on January 3, 1977, and ending September 30, 1977, and during each fiscal year thereafter, the Vice President, the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip may receive the expense allowance (a) as reimbursement for actual expenses incurred upon certification and documentation of such expenses by the Vice President, the respective Leader or the respective Whip, or (b) in equal monthly payments. 2 USC 31a-1.

SALARIES, OFFICERS AND EMPLOYEES

OFFICE OF THE PRESIDENT PRO TEMPORE

For Office of the President Pro Tempore, \$51,400: *Provided*, That, effective April 1, 1977, the President pro tempore is authorized to appoint and fix the compensation of an Administrative Assistant at not to exceed \$47,595 per annum; a Legislative Assistant at not to exceed \$40,080 per annum, and an Executive Secretary at not to exceed \$23,380 per annum. 2 USC 61k.

OFFICE OF DEPUTY PRESIDENT PRO TEMPORE

- 2 USC 61l. For Office of the Deputy President Pro Tempore, \$51,400: *Provided*, That, effective April 1, 1977, the Deputy President pro tempore is authorized to appoint and fix the compensation of an Administrative Assistant at not to exceed \$47,595 per annum; a Legislative Assistant at not to exceed \$40,080 per annum, and an Executive Secretary at not to exceed \$23,380 per annum.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

- 2 USC 61h-4. For an additional amount for "Offices of the Majority and Minority Leaders", \$45,900: *Provided*, That, effective April 1, 1977, the Majority Leader and the Minority Leader are each authorized to appoint and fix the compensation of such employees as they deem appropriate: *Provided further*, That the gross compensation paid to such employees shall not exceed \$191,700 each fiscal year for each Leader: *Provided further*, That the positions established by the Legislative Branch Appropriation Act, 1970, for the Offices of the Majority and Minority Leaders are abolished effective April 1, 1977.
- 2 USC 61h-1
note.
83 Stat. 339.

FLOOR ASSISTANTS TO THE MAJORITY AND MINORITY LEADERS

- 2 USC 61h-5. For Floor Assistants to the Majority Leader and the Minority Leader, \$42,600: *Provided*, That, effective April 1, 1977, the Majority Leader and the Minority Leader may appoint an Assistant to the Majority Leader for Floor Operations and an Assistant to the Minority Leader for Floor Operations, respectively, and fix the compensation of such assistants at a rate of compensation not to exceed the maximum annual rate of gross compensation of the Assistant Secretary of the Senate.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

- 2 USC 61j-2. Effective April 1, 1977, the Majority Whip and the Minority Whip are each authorized to appoint and fix the compensation of such employees as they deem appropriate: *Provided further*, That the gross compensation paid to such employees shall not exceed \$111,100 each fiscal year for each Whip: *Provided further*, That the positions established by the Legislative Branch Appropriation Act, 1970 and the Legislative Branch Appropriation Act, 1976, for the Offices of the Majority and Minority Whips are abolished effective April 1, 1977.
- 2 USC 61j-1.
89 Stat. 269.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

- 2 USC 61g-4. For offices of the Secretary of the Conference of the Majority and the Secretary of the Conference of the Minority, \$58,200: *Provided*, That, effective April 1, 1977, the Secretary of the Conference of the Majority and the Secretary of the Conference of the Minority may each appoint and fix the compensation of an Executive Assistant at not to exceed \$45,758 per annum and a Secretary at not to exceed \$17,869 per annum.

OFFICE OF THE CHAPLAIN

- 2 USC 61d. For an additional amount for "Office of the Chaplain", \$2,000: *Provided*, That, effective April 1, 1977, the compensation of the Chaplain shall be \$22,044 per annum in lieu of \$18,704 per annum.

OFFICE OF THE SECRETARY

Effective April 1, 1977, the positions of Assistant to the Majority and Assistant to the Minority established by the Supplemental Appropriation Act, 1955, are hereby abolished.

68 Stat. 802.

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For an additional amount for "Administrative and Clerical Assistants to Senators", \$33,000: *Provided*, That, effective April 1, 1977, the clerk hire allowance of each Senator from the State of Virginia shall be increased to that allowed Senators from States having a population of five million but less than seven million, the population of said State having exceeded five million inhabitants.

2 USC 61-1 note.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For an additional amount for "Office of Sergeant at Arms and Doorkeeper", \$27,800: *Provided*, That, effective April 1, 1977, the Sergeant at Arms and Doorkeeper may appoint and fix the compensation of a Special Assistant at not to exceed \$28,724 per annum in lieu of not to exceed \$23,714 per annum; a Chief Clerk at not to exceed \$26,219 per annum in lieu of a Clerk at not to exceed \$23,714 per annum; an Executive Secretary to the Sergeant at Arms at not to exceed \$26,219 per annum in lieu of an Executive Secretary at not to exceed \$23,714 per annum; a Secretary to the Sergeant at Arms at not to exceed \$16,199 per annum and a Secretary at not to exceed \$14,696 per annum in lieu of two Secretaries at not to exceed \$14,696 per annum each; a Secretary for Personnel Administration at not to exceed \$20,708 per annum in lieu of a Secretary to the Sergeant at Arms at not to exceed \$18,704 per annum; a Secretary to the Administrative Assistant at not to exceed \$15,531 per annum and two Assistant Chief Telephone Operators at not to exceed \$14,028 per annum each in lieu of three Assistant Chief Telephone Operators at not to exceed \$14,028 per annum each; a Secretary to the Special Assistant at not to exceed \$12,191 per annum in lieu of a Secretary at not to exceed \$11,022 per annum; a Receptionist at not to exceed \$12,191 per annum and nineteen Telephone Operators at not to exceed \$11,022 per annum each in lieu of twenty-one Telephone Operators at not to exceed \$11,022 per annum each; thirteen Messengers at not to exceed \$9,686 per annum each in lieu of fourteen Messengers at not to exceed \$9,686 per annum each; a Laborer at not to exceed \$9,018 per annum in lieu of two Laborers at not to exceed \$9,018 per annum each; three Laborers at not to exceed \$5,010 per annum each in lieu of five Laborers at not to exceed \$5,010 per annum each; a Chief Barber at not to exceed \$17,535 per annum in lieu of not to exceed \$11,523 per annum; an Assistant Chief Barber at not to exceed \$15,865 per annum in lieu of a Chief Barber at not to exceed \$12,692 per annum; five Barbers at not to exceed \$14,696 per annum each in lieu of two Barbers at not to exceed \$11,690 per annum each and three Barbers at not to exceed \$9,853 per annum each; two Barber Shop Attendants at not to exceed \$10,855 per annum each in lieu of a Barber Shop Attendant at not to exceed \$9,686 per annum and a Barber Shop Attendant at not to exceed \$4,342 per annum; a Secretary to the Deputy Sergeant at Arms at not to exceed \$22,044 per annum; a Driver-Messenger, Deputy President pro tempore, at not to exceed \$15,364 per annum; and a Deputy Chief, Police Force, at not to exceed \$33,901 per annum.

AGENCY CONTRIBUTIONS AND LONGEVITY COMPENSATION

For an additional amount for "Agency Contributions and Longevity Compensation", \$800,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For an additional amount for "Office of the Legislative Counsel of the Senate", \$5,500.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For an additional amount for "Senate Policy Committees", \$6,000.

INQUIRIES AND INVESTIGATIONS

For an additional amount for "Inquiries and Investigations", fiscal year 1976, \$375,000.

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous Items", fiscal year 1976, \$650,000.

ADMINISTRATIVE PROVISIONS

2 USC 61h-6.

SEC. 101. Effective April 1, 1977, the Majority Leader of the Senate and the Minority Leader of the Senate are each authorized to appoint and fix the compensation of not more than two individual consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate. The provisions of section 8344 of title 5, United States Code, shall not apply to any individual serving in a position under this authority. Expenditures under this authority shall be paid from the contingent fund of the Senate upon vouchers approved by the Majority Leader and the Minority Leader, respectively.

Contingent fund.

SEC. 102. (a) Effective April 1, 1977, the second sentence of section 105 of the Legislative Branch Appropriation Act, 1976 (89 Stat. 275) is amended by striking out "July 1, 1975" and inserting in lieu thereof "April 1, 1977".

2 USC 61g.

2 USC 61g note.

(b) The Majority Leader of the Senate is authorized to fix the compensation of the Secretary for the Majority so long as the position is held by the incumbent holding such position on April 1, 1977.

89 Stat. 182.

2 USC 123c.

SEC. 103. Effective on the date of the enactment of this Act, the proviso in the paragraph under the headings "CONTINGENT EXPENSES OF THE SENATE", "MISCELLANEOUS ITEMS" in the Second Supplemental Appropriations Act, 1975 (Public Law 94-32) is amended to read as follows: "*Provided*, That notwithstanding any other provision of law, the Sergeant at Arms, subject to the approval of the Committee on Rules and Administration, is hereafter authorized to enter into multi-year contracts for data processing equipment, software, and services."

SEC. 104. The second paragraph under the heading "ADMINISTRATIVE PROVISIONS" in the Legislative Branch Appropriation Act, 1959 (72 Stat. 442; 2 U.S.C. 65b), is amended by striking out "during any fiscal year".

SEC. 105. Effective April 1, 1977, section 3(f) under the heading "ADMINISTRATIVE PROVISIONS" in the appropriation for the Senate in the Legislative Branch Appropriation Act, 1975 (2 U.S.C. 59(e)), is amended by striking out "quarterly" in paragraph (5) and inserting in lieu thereof "monthly".

SEC. 106. (a) In accordance with subsection (g) of section 705 of Senate Resolution 4, 95th Congress, agreed to February 4 (legislative day, February 1), 1977, each Senator shall, except as otherwise provided in this section, receive each fiscal year an amount equal to three times the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified. Such amount may be used by a Senator only to employ individuals for the purpose of assisting him in connection with his membership on committees of the Senate. Each Senator shall designate the committee with respect to which any individual is so employed to assist him.

2 USC 72a-1d.

2 USC 61-1.

(b)(1) In the case of a Senator who is the chairman or ranking minority member of any committee, or of any subcommittee that receives funding to employ staff assistance separately from the funding authority for staff of the full committee, the amount referred to in subsection (a) shall be reduced by the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, for each such committee or subcommittee.

(2) In the case of a Senator who is authorized by a committee, a subcommittee thereof, or the chairman of a committee or subcommittee, as appropriate, to recommend or approve the appointment to the staff of such committee or subcommittee of one or more individuals for the purpose of assisting such Senator in his duties as a member of such committee or subcommittee, the amount referred to in subsection (a) shall be reduced, for each such committee or subcommittee, by an amount equal to (A) the aggregate annual gross rates of compensation of all staff employees of that committee or subcommittee (i) whose appointment is made, approved, or recommended and (ii) whose continued employment is not disapproved by such Senator, if such employees are employed for the purpose of assisting such Senator in his duties as a member of such committee or subcommittee thereof as the case may be, or (B) the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified whichever is less.

(3) In the case of a Senator who is serving on more than three committees, one of the committees on which he is serving, as selected by him, shall not be taken into account for purposes of paragraphs (1) and (2). Any such Senator shall notify the Secretary of the Senate of the committee selected by him under this paragraph.

(4) In the case of a Senator who is the chairman or ranking minority member of a subcommittee that receives funding to employ staff assistance separately from the funding authority for the full committee, if the amount of funds made available to him to employ staff assistance is less than the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, then paragraph (1) shall not apply with respect to such subcommittee during the period March 1, 1977, through September 30, 1977.

(c)(1) An employee appointed under this section shall be designated as such and certified by the Senator who appoints him to the chairman and ranking minority member of the committee designated by such Senator and shall be accorded all privileges of a professional staff member (whether permanent or investigatory) of such committee

including access to all committee sessions and files, except that any such committee may restrict access to its sessions to one staff member per Senator at a time and require, if classified material is being handled or discussed, that any staff member possess the appropriate security clearance before being allowed access to such material or to discussion of it.

(2) If (A) a Senator's service on a committee terminates (other than by reason of his ceasing to be a Member of the Senate) or a Senator's status on a committee as the chairman or ranking minority member of such committee or a subcommittee thereof changes, and (B) the appointment of an employee appointed under this section and designated to such committee by such Senator would (but for this paragraph) thereby terminate, such employee shall, subject to the provisions of subsection (e), be continued as an employee appointed by such Senator under this section until whichever of the following first occurs: (1) the close of the tenth day following the day on which such Senator's service on such committee terminates or his status on such committee changes or (2) the effective date on which such Senator notifies the Secretary of the Senate, in writing, that such employee is no longer to be continued as an employee appointed under this section. An employee whose appointment is continued under this paragraph shall perform such duties as the Senator who appointed him may assign.

2 USC 61-1.

(d) An employee appointed under this section shall not receive compensation in excess of that provided for an employee under section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified.

(e) The aggregate of payments of gross compensation made to employees under this section during each fiscal year shall not exceed at any time during such fiscal year one-twelfth of the total amount to which the Senator is entitled under this section (after application of the reductions required under subsection (b)) multiplied by the number of months (counting a fraction of a month as a month) elapsing from the first month in that fiscal year in which the Senator holds the office of Senator through the end of the current month for which the payment of gross compensation is to be made. In any fiscal year in which a Senator does not hold the office of Senator at least part of each month of that year, the aggregate amount available for gross compensation of employees under this section shall be the total amount to which the Senator is entitled under this section (after application of the reductions required under subsection (b)) divided by twelve, and multiplied by the number of months the Senator holds such office during that fiscal year, counting any fraction of a month as a full month.

Repeal.

(f) Section 108 of the Legislative Branch Appropriation Act, 1976 (2 U.S.C. 72a-1c), is repealed.

Effective date.
2 USC 72a-1d
note.

(g)(1) This section shall take effect on March 1, 1977.

(2) Any designation, or change of designation, made by a Senator before the date of the enactment of this Act under section 705 of Senate Resolution 4, 95th Congress, agreed to February 4 (legislative day, February 1), 1977, shall be treated as a designation or change made under this section.

(3) The amount of any accrued surplus available to any Senator under section 108 of the Legislative Branch Appropriation Act, 1976, at the close of February 28, 1977, shall be available to that Senator during the period beginning on March 1, 1977, and ending on September 30, 1977, for the purpose of this section.

(4) The aggregate amount available to a Senator for gross compensation of employees appointed under this section during the period beginning on March 1, 1977, and ending on September 30, 1977 (other than any amount available under paragraph (3)), shall be seven-twelfths of the total amount to which the Senator is entitled under this section (after application of the reductions required by subsection (b)) for the fiscal year ending on September 30, 1977.

SEC. 107. (a) Section 106 of the Legislative Branch Appropriation Act, 1977, is amended to read as follows:

2 USC 121a.

"SEC. 106. (a) There is hereby established in the Treasury of the United States a revolving fund within the contingent fund of the Senate to be known as the Senate Barber Shops Revolving Fund (hereafter in this section referred to as the 'revolving fund').

Senate Barber Shops Revolving Fund.

"(b) All moneys received by the Senate barber shops from fees for services or from any other source shall be deposited to the credit of the revolving fund. Moneys in the revolving fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate for necessary supplies and expenses of the Senate barber shops.

"(c) On or before December 31 of each year, the Secretary of the Senate shall withdraw from the revolving fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in excess of \$10,000 in the revolving fund at the close of the preceding fiscal year.

"(d) Disbursements from the revolving fund shall be made upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate.

"(e) The Sergeant at Arms and Doorkeeper of the Senate is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The amendment made by subsection (a) shall take effect on April 1, 1977.

Effective date.

2 USC 121a note.

SEC. 108. Hereafter, the Secretary of the Senate is authorized to make such transfers between appropriations or funds available for disbursement by him for a fiscal year as may be approved by a resolution of the Senate (reported by the Committee on Appropriations of the Senate), and, to the extent necessary, to reimburse, out of funds thereafter made available for disbursement by him for such fiscal year, any appropriation or fund for any amount so transferred from it.

Transfer of funds.

2 USC 64-2.

SEC. 109. Any funds appropriated under the heading "Senate" in any appropriation Act for the fiscal year ending September 30, 1977, shall remain available for obligation through September 30, 1978, for the same purposes for which appropriated.

SEC. 110. (a) Notwithstanding any other provision of law, but subject to the provisions of subsection (b), the Committee on Governmental Affairs is authorized, effective April 1, 1977, and during the remainder of the fiscal year ending September 30, 1977, to pay one additional staff member at a per annum rate not to exceed the rate provided for the two staff members referred to in section 105(e)(3)(A) of the Legislative Branch Appropriation Act, 1968, as amended and modified.

Additional staff member.

2 USC 61-1.

(b) The provisions of subsection (a) shall cease to be effective when and if the individual who was transferred from the staff of the Committee on the District of Columbia to the staff of the Committee on Governmental Affairs under section 703 of Senate Resolution 4, 95th Congress, and who was paid by the Committee on the

District of Columbia at the per annum rate referred to in subsection (a), ceases to be a member of the staff of the Committee on Governmental Affairs, or of a subcommittee thereof, and paid at such rate.

HOUSE OF REPRESENTATIVES

HOUSE LEADERSHIP OFFICES

For an additional amount for "House leadership offices", as authorized by law, \$14,850, including: Office of the Speaker, \$4,950; Office of the Majority Floor Leader, \$3,300; Minority Floor Leader, \$3,300; Majority Whip, \$1,650; and Minority Whip, \$1,650.

CONTINGENT EXPENSES OF THE HOUSE

ALLOWANCES AND EXPENSES

For an additional amount for "Allowances and expenses", as authorized by House resolution or law, \$1,229,000, including: Equipment (purchase, lease, and maintenance), \$659,000; and salaries authorized by House resolutions, \$570,000.

JOINT ITEMS

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For an additional amount for "Joint Economic Committee", \$11,500.

JOINT COMMITTEE ON ATOMIC ENERGY

For an additional amount for "Joint Committee on Atomic Energy", \$14,100.

JOINT COMMITTEE ON PRINTING

For an additional amount for "Joint Committee on Printing", \$6,000.

AMERICAN INDIAN POLICY REVIEW COMMISSION

For an additional amount for "American Indian Policy Review Commission", \$100,000.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

For an additional amount for "Joint Committee on Congressional Operations", \$50,000.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", including rental of space in the District of Columbia, \$569,050, to remain available until September 30, 1978.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

CONTINGENT EXPENSES

For an additional amount for “contingent expenses”, \$90,000.

GENERAL PROVISIONS

SEC. 111. Notwithstanding any other provision of law, the Secretary of the Senate is authorized to receive moneys from the Department of the Treasury as reimbursements for salaries paid by the United States Senate in connection with certain officers and members of the United States Capitol Police serving as instructors at the Federal Law Enforcement Training Center. Moneys so received shall be deposited in the Treasury of the United States as miscellaneous receipts. 2 USC 64-3.

SEC. 112. The provisions of section 1824 of the Revised Statutes of the United States, as amended (40 U.S.C. 210), are amended by deleting “at a cost not to exceed twenty dollars per man.”.

SEC. 113. The Chairman of the Capitol Police Board is authorized, subject to such conditions as he may impose, to authorize the assignment of a police motor vehicle for use by instructor personnel of the Capitol Police Force while assigned to the Federal Law Enforcement Training Center. Police motor vehicle, assignment. 40 USC 212a note.

CHAPTER IX

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for Military construction, Army, \$16,796,000, to remain available until expended: *Provided*, That none of these funds may be obligated other than for energy conservation, fuel conversion, or pollution abatement projects authorized in a subsequently enacted military construction authorization act.

MILITARY CONSTRUCTION, NAVY

For an additional amount for Military construction, Navy, \$20,330,000, to remain available until expended: *Provided*, That none of these funds may be obligated other than for energy conservation or pollution abatement projects authorized in a subsequently enacted military construction authorization act.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for Military construction, Air Force, \$20,000,000, to remain available until expended: *Provided*, That none of these funds may be obligated other than for energy conservation or pollution abatement projects authorized in a subsequently enacted military construction authorization act.

FAMILY HOUSING, DEFENSE

For an additional amount for Family housing, Defense, \$60,000,000 (and an increase of \$35,000,000 in the limitation on Department of Defense, operation, maintenance; an increase of \$15,000,000 in the limitation on Construction, Army; an increase of \$5,000,000 in the limitation on Construction, Navy and Marine Corps; and an increase

of \$10,000,000 in the limitation on Construction, Air Force): *Provided*, That none of the funds appropriated herein shall be obligated until authorization for this appropriation is enacted.

CHAPTER X

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

EMERGENCY FUND

For an additional amount for the "Emergency fund", to remain available until expended, \$30,000,000, to be derived from the reclamation fund.

DROUGHT EMERGENCY ASSISTANCE

For necessary expenses for activities to mitigate the impact of the 1976-1977 drought, \$100,000,000: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation.

SOUTHWESTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

For an additional amount for "Operation and maintenance", \$13,800,000.

ADMINISTRATIVE PROVISIONS

Appropriations made to the Bureau of Reclamation for fiscal year 1977 shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$75,000.

Appropriations made to the Bureau of Reclamation, Southeastern Power Administration, Southwestern Power Administration, and Alaska Power Administration for fiscal year 1977 shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

CHAPTER XI

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,500,000.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

(SPECIAL FOREIGN CURRENCY PROGRAM)

For an additional amount for "Acquisition, Operation, and Maintenance of Buildings Abroad (Special Foreign Currency Program)", to remain available until expended, \$24,700,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to the Foreign Service retirement and disability fund", \$17,794,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to international organizations", \$48,297,749: *Provided*, That \$43,115,039 shall be made available only upon enactment into law of authorizing legislation.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For an additional amount for "International Conferences and Contingencies", \$1,625,000, to remain available until expended, of which not to exceed \$24,500 may be expended for representation allowances as authorized by section 901 of the Act of August 31, 1946, as amended (22 U.S.C. 1131), and for official entertainment.

OTHER

EIGHTH PAN AMERICAN GAMES

For expenses necessary to carry out the Eighth Pan American Games in San Juan, Puerto Rico, in 1979, \$10,000,000, to remain available until expended.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,435,000.

WORKING CAPITAL FUND

For capitalization and initial operating expenses of the "Working Capital Fund", \$2,238,000, to remain available until expended.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and expenses, general legal activities", \$4,959,000.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For an additional amount for "Salaries and expenses, Antitrust Division", \$1,670,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For an additional amount for "Salaries and expenses, United States attorneys and marshals", \$857,000.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$2,000,000.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For an additional amount for “Salaries and expenses, Bureau of Prisons”, \$3,090,000.

BUILDINGS AND FACILITIES

For an additional amount for “Buildings and facilities”, \$22,000,000, to remain available until expended.

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for “Support of United States prisoners”, \$10,000,000.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SALARIES AND EXPENSES

42 USC 3701
note.

Amounts currently appropriated under this head may be used for the purpose of paying benefits authorized by the Public Safety Officers’ Benefits Act of 1976 and for the necessary administrative expenses thereof.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$2,000,000.

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$100,000.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for “Economic Development Assistance Programs”, \$30,100,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for “Operations, research, and facilities”, \$1,680,000, to remain available until expended.

COASTAL ZONE MANAGEMENT

For an additional amount for “Coastal zone management”, \$19,595,000, to remain available until expended.

COASTAL ENERGY IMPACT FUND

For payment to the fund for the purposes of carrying out the provisions of section 308 (a), (c), (d), (e), (f), (g), (h), (i), and (k) of the Act of October 27, 1972, as amended (90 Stat. 1019), \$115,000,000, to remain available until expended: *Provided*, That obligations for payments pursuant to subsections (c), (d), and (f) shall not exceed \$115,000,000. 16 USC 1456a.

NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION

FACILITIES

For purchase and renovation of facilities as authorized by the Act of October 29, 1974 (88 Stat. 1535-1549), \$2,850,000, to remain available until September 30, 1979. 15 USC 2201 note.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

FEES OF JURORS

For an additional amount for “Fees of jurors”, \$2,150,000, to remain available until expended.

JUDICIAL SURVIVORS’ ANNUITY PROGRAM

For deposit to the credit of “The Judicial Survivors’ Annuities Fund”, the amount of the actuarial deficiency as of January 1, 1977, pursuant to the Judicial Survivors’ Annuities Reform Act, Public Law 94-554, approved October 19, 1976, \$31,100,000. 28 USC 376 note.

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$328,000.

FOREIGN CLAIMS SETTLEMENT COMMISSION

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$75,000.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

90 Stat. 937. The limitation on expenses of travel under this head in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1977, is increased to \$300,000.

OFFICE OF SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$266,000: *Provided*, That not to exceed \$3,800 shall be available for official reception and representation expenses.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$880,000.

CHAPTER XII

DEPARTMENT OF TRANSPORTATION

COAST GUARD

POLLUTION FUND

For the "Pollution fund", \$10,000,000, to remain available until expended: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

TRAFFIC AND HIGHWAY SAFETY

For an additional amount for "Traffic and highway safety", \$3,000,000, to remain available until expended.

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for "Grants to the National Railroad Passenger Corporation", \$25,000,000, to remain available until expended.

RAIL BANK

(INCLUDING TRANSFER OF FUNDS)

49 USC 1653a. For necessary expenses to enable the Secretary of Transportation to establish a rail bank as authorized by section 810 of the Railroad Revitalization and Regulatory Reform Act of 1976; \$2,000,000, to be derived from the appropriation for "Retired Pay" and to remain available until expended.

RELATED AGENCIES

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$2,500,000.

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

SALARIES AND EXPENSES

For an additional amount for the National Transportation Policy Study Commission; \$2,000,000, to remain available until expended.

CHAPTER XIII

DEPARTMENT OF THE TREASURY

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,000,000.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$6,319,000.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,488,000.

ACCOUNTS, COLLECTION AND TAXPAYER SERVICE

For an additional amount for "Accounts, collection and taxpayer service", \$28,804,000.

COMPLIANCE

For an additional amount for "Compliance", \$34,189,000.

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for "Payment to the Postal Service Fund", \$500,000,000.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

For an additional amount for "Operating expenses", \$30,000: *Provided*, That \$30,000 shall be made available for official entertainment expenses of the Vice President, to be accounted for solely on his certificate.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$155,000.

COUNCIL ON WAGE AND PRICE STABILITY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$241,000.

OFFICE OF DRUG ABUSE POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of Drug Abuse Policy, \$1,100,000.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,600,000:
 5 USC 5108 note. *Provided*, That the Director may place a total of five (5) positions,
 5 USC 5332 note. in GS-16, 17, and 18 and that such positions are in addition to total
 number of positions authorized to be placed in such grades by section
 5108 of title 5.

INDEPENDENT AGENCIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$99,000.

CIVIL SERVICE COMMISSION

(INCLUDING TRANSFER OF FUNDS)

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$775,000 together with an additional amount of \$1,148,000 for current fiscal year administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Commission in amounts determined by the Commission without regard to other statutes.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to Civil Service retirement and disability fund", \$232,643,000.

COMMISSION ON FEDERAL PAPERWORK

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$5,000,000, to remain available until expended.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

In addition to the aggregate amount made available for Real Property Management and related activities under this heading in the "Treasury, Postal Service, and General Government Appropriation Act, 1977", \$4,401,000 shall remain available until expended for construction of buildings in addition to the amounts previously specified in other appropriation acts as available until expended (including funds for sites and expenses) and the limitation on the amount available for construction of buildings is increased to \$32,801,000 by additions as follows:

90 Stat. 963.

New construction:

Alabama: Mobile, Federal Office Building, \$100,000;

Hawaii: Honolulu, Prince J. Kalanianaʻole Federal Building and Courthouse, \$1,500,000;

New York: New York, Customs Court and Federal Office Building Annex, \$2,801,000:

Provided, That the immediately foregoing limits of costs may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum.

FEDERAL BUILDINGS FUND

ALTERATIONS AND MAJOR REPAIRS

For necessary expenses for "Alterations and Major Repairs" as authorized by law, \$125,000,000, to remain available until expended: *Provided*, That in addition to the aggregate amount made available in the Independent Agencies Appropriations Act, 1977, for alterations and major repairs, this appropriation of \$125,000,000 shall be available for such purposes and the limitation on the amount made available for alterations and major repairs is increased to \$185,700,000: *Provided further*, That the amount provided in the Independent Agencies Appropriations Act, 1977 in excess of which revenues, collections, and other sums accruing to the fund (excluding reimbursements pursuant to 40 U.S.C. 490(f)(6)) shall be deposited in miscellaneous receipts is increased to \$1,281,018,000: *Provided further*, That appropriations hereby made to the Federal Buildings Fund shall not be subject to the provisions of section 210(f)(4) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(4)) requiring repayment with interest.

90 Stat. 968.

NATIONAL ARCHIVES AND RECORDS SERVICE

OPERATING EXPENSES

For an additional amount for "Operating expenses", \$450,000.

FEDERAL TELECOMMUNICATIONS FUND

To increase the capital of the "Federal telecommunications fund", established by section 110 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 757), \$20,000,000, to remain available without fiscal year limitation.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For an additional amount for "Allowances and office staff for former Presidents", \$107,000.

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

SALARIES AND EXPENSES

Of the amount provided under this head in the "Treasury, Postal Service, and General Government Appropriation Act, 1977", \$135,000 shall be available for expenses of travel, notwithstanding the provisions of section 501 of the Act.

90 Stat. 963.

90 Stat. 976.

DEFENSE CIVIL PREPAREDNESS AGENCY

OPERATION AND MAINTENANCE

For an additional amount for "Operation and maintenance", \$2,000,000, which shall be available for allocation under section 205 of the Federal Civil Defense Act of 1950, as amended.

50 USC app.
2286.

RESEARCH, SHELTER SURVEY, AND MARKING

For an additional amount for "Research, Shelter Survey, and Marking", \$2,000,000, which shall be available for financial contributions to the States under section 201(i) of the Federal Civil Defense Act, which shall be equally matched, for emergency operating centers and civil defense equipment.

50 USC app.
2281.

CHAPTER XIV

CLAIMS AND JUDGMENTS

For payment of claims settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and the United States District Courts, as set forth in House Documents numbered 95-89, 95-93, and 95-97, Ninety-fifth Congress, \$40,817,081, together with such amounts as may be necessary to pay interest (as and when specified in such judgment or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That unless otherwise specifically required by law or by judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of the Act.

Section 1302 of the Supplemental Appropriation Act, 1957 (70 Stat. 694-95, as amended, 31 U.S.C. § 724a (1970)), is amended to read as follows:

"There are appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the payment, not otherwise provided for, as certified by the Comptroller General, of final judgments, awards, and compromise settlements, which are payable in accordance with the terms of section 2414, 2517,

2672, or 2677 of Title 28, together with such interest and costs as may be specified in such judgments or otherwise authorized by law: *Provided*, That interest on a judgment of a district court to which the provisions of section 2411(b) of Title 28 apply, payable from this appropriation, shall be paid only when such judgment becomes final after review on appeal or petition by the United States, and then only from the date of the filing of the transcript thereof in the General Accounting Office to the date of the mandate of affirmance (except that in cases reviewed by the Supreme Court interest shall not be allowed beyond the term of the Court at which the judgment was affirmed): *Provided further*, That interest on a judgment rendered by the Court of Claims, payable from this appropriation, in accordance with subsection 2516(b) of Title 28, shall be computed from the date of the filing of the transcript thereof in the General Accounting Office: *Provided further*, That any judgment or compromise settlement against the United States arising out of an express or implied contract entered into by the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration, shall be paid in accordance with this section and sections 2414, 2517, and 2518 of Title 28, United States Code, and such instrumentality shall reimburse the United States for a judgment or compromise settlement paid by the United States. Judgments against the United States arising out of activities of the United States Postal Service shall be paid by the Postal Service out of any funds available to it."

TITLE II—INCREASED PAY COSTS FOR THE FISCAL YEAR 1977

For additional amounts for appropriation for the fiscal year 1977, for increased pay costs authorized by or pursuant to law, as follows:

LEGISLATIVE BRANCH

SENATE

"Salaries, officers and employees", \$5,395,800;
 "Office of the Legislative Counsel of the Senate", \$30,600;
 "Senate policy committees", \$85,600;
 "Inquiries and investigations", \$924,300;
 "Folding documents", \$4,500;
 "Miscellaneous items", \$4,000;

HOUSE OF REPRESENTATIVES

"House leadership offices", \$96,000;
 "Salaries, officers and employees", \$1,111,430;
 "Committee on Appropriations (studies and investigations)", \$10,000;
 "Office of the Law Revision Council", \$13,350;
 "Office of the Legislative Counsel", \$65,200;
 "Members' clerk hire", \$6,702,000;
 "Allowances and expenses", \$1,002,800;
 "Special and select committees", \$1,100,000;

JOINT ITEMS

“Joint Economic Committee”, \$63,000;
“Joint Committee on Atomic Energy”, \$32,000;
“Joint Committee on Printing”, \$27,000;
“Joint Committee on Internal Revenue Taxation”, \$89,100;
“Joint Committee on Defense Production”, \$9,700;
“Joint Committee on Congressional Operations”, \$31,850;
“Capitol Guide Service”, \$17,000;

OFFICE OF TECHNOLOGY ASSESSMENT

“Salaries and expenses”, \$173,000;

CONGRESSIONAL BUDGET OFFICE

“Salaries and expenses”, \$257,400;

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol: “Salaries”, \$93,400;
Capitol buildings and grounds:
 “Capitol buildings”, \$211,600;
 “Capitol grounds”, \$85,000;
 “Senate office building”, \$445,400;
 “Senate garages”, \$10,300;
 “House office buildings”, \$653,000;
 “Capitol Power Plant”, \$67,000;
Library buildings and grounds: “Structural and mechanical care”,
\$114,000;

BOTANIC GARDEN

“Salaries and expenses”, \$68,100;

LIBRARY OF CONGRESS

“Salaries and expenses”, \$2,282,000;
Copyright Office: “Salaries and expenses”, \$361,000;
Congressional Research Service: “Salaries and expenses”, \$932,000;
Distribution of catalog cards: “Salaries and expenses”, \$318,000;
Books for the blind and physically handicapped: “Salaries and
expenses”, \$89,000;

COPYRIGHT ROYALTY COMMISSION

“Salaries and expenses”, \$8,000;

GENERAL ACCOUNTING OFFICE

“Salaries and expenses”, \$6,509,500;

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

“Salaries and expenses”, \$250,000;
“Care of the building and grounds”, \$30,600;

COURT OF CUSTOMS AND PATENT APPEALS

“Salaries and expenses”, \$29,000;

CUSTOMS COURT

“Salaries and expenses”, \$108,000;

COURT OF CLAIMS

“Salaries and expenses”, \$59,000;

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

“Salaries of supporting personnel”, \$6,813,000;

“Representation by court-appointed counsel and operation of defender organizations”, \$314,000;

“Salaries and expenses of United States Magistrates”, \$1,520,000;

“Salaries and expenses of referees”, \$815,000, to be derived from the Referees' salary and expense fund established pursuant to the Act of June 28, 1946, as amended (11 U.S.C. 68, 102), and, to the extent of any deficiency in said fund, from any moneys in the Treasury not otherwise appropriated;

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

“Salaries and expenses”, \$354,000;

FEDERAL JUDICIAL CENTER

“Salaries and expenses”, \$102,000;

EXECUTIVE OFFICE OF THE PRESIDENT

WHITE HOUSE OFFICE

“Salaries and expenses”, \$632,000;

EXECUTIVE RESIDENCE

“Operating expenses”, \$85,000;

SPECIAL ASSISTANCE TO THE PRESIDENT

“Salaries and expenses”, \$25,000;

COUNCIL ON WAGE AND PRICE STABILITY

“Salaries and expenses”, \$69,000;

DOMESTIC COUNCIL

“Salaries and expenses”, \$75,000;

NATIONAL SECURITY COUNCIL

“Salaries and expenses”, \$60,000;

OFFICE OF MANAGEMENT AND BUDGET

“Salaries and expenses”, \$572,000;

OFFICE OF FEDERAL PROCUREMENT POLICY

“Salaries and expenses”, \$54,000;

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

“Salaries and expenses”, \$65,000;

OFFICE OF TELECOMMUNICATIONS POLICY

“Salaries and expenses”, \$270,000;

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT—OPERATING EXPENSES

“Operating expenses of the Agency for International Development”, \$3,055,000;

DEPARTMENT OF AGRICULTURE

(INCLUDING TRANSFER OF FUNDS)

“Office of the Secretary”, \$54,000;

“Departmental administration”, \$673,000, of which \$190,000 shall be made available for budget, fiscal and management, \$121,000 for general operations, \$9,000 for ADP systems, \$121,000 for personnel administration, \$97,000 for equal opportunity, and \$135,000 for information services;

“Office of the Inspector General”, \$696,000, and, in addition, \$299,000 shall be derived by transfer from the appropriation “Food Stamp Program” and merged with this appropriation;

“Office of the General Counsel”, \$457,000;

“Agricultural Research Service”, \$10,013,000;

“Animal and Plant Health Inspection Service”, \$12,473,000;

“Cooperative State Research Service”, \$113,000;

“Extension Service”, \$287,000;

“National Agricultural Library”, \$167,000;

“Economic Management Support Center”, \$121,000;

“Statistical Reporting Service”, \$1,284,000;

“Economic Research Service”, \$1,194,000;

“Packers and Stockyards Administration”, \$234,000;

“Farmer Cooperative Service”, \$135,000;

“Foreign Agricultural Service”, \$851,000;

FEDERAL CROP INSURANCE CORPORATION

“Administrative and operating expenses”, \$24,000;

“Federal Crop Insurance Corporation Fund”, an additional \$628,000 of administrative and operating expenses may be paid from premium income;

Commodity Credit Corporation: “Limitation on administrative expenses”: *Provided*, That an additional \$140,000 of this authorization shall be available to support the position of Sales Manager;

“Rural Development Service”, \$42,000;

RURAL ELECTRIFICATION ADMINISTRATION

"Salaries and expenses", \$949,000;

FARMERS HOME ADMINISTRATION

"Salaries and expenses", \$5,836,000;

SOIL CONSERVATION SERVICE

"Conservation operations", \$8,721,000, to remain available until expended;

"River basin surveys and investigations", \$617,000, to remain available until expended;

"Watershed planning", \$455,000, to remain available until expended;

"Watershed and flood prevention operations", \$1,840,000;

"Resource conservation and development", \$707,000;

"Great plains conservation program", \$260,000, to remain available until expended;

AGRICULTURAL MARKETING SERVICE

"Marketing Services", \$1,703,000;

"Funds for strengthening markets, income, and supply (section 32)" (increase of \$161,000 in the limitation "marketing agreements and orders"); 7 USC 742a.

FOREST SERVICE

"Forest protection and utilization", for "Forest land management", \$11,103,000, of which \$46,000 for cooperative law enforcement and \$286,000 for insect and disease control shall remain available until expended, "Forest research", \$2,698,000, and "State and private forestry cooperation", \$226,000;

"Construction and land acquisition", \$270,000, to remain available until expended;

"Youth conservation corps", \$350,000, to remain available until the end of the fiscal year following the fiscal year for which appropriated: *Provided*, That \$175,000 shall be available to the Secretary of the Interior and \$175,000 shall be available to the Secretary of the Agriculture;

"Forest roads and trails", \$6,952,000, to remain available until expended;

"Assistance to States for tree planting", \$12,000, to remain available until expended;

"Construction and operation of recreation facilities", \$77,000, to remain available until expended;

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

"Salaries and expenses", \$950,000;

BUREAU OF THE CENSUS

"Salaries and expenses", \$1,600,000;

"Periodic censuses and programs", \$1,400,000, to remain available until expended;

BUREAU OF ECONOMIC ANALYSIS

“Salaries and expenses”, \$500,000;

ECONOMIC DEVELOPMENT ADMINISTRATION

“Administration of economic development assistance programs”, \$800,000;

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

“Operations and administration”, \$2,200,000, to remain available until expended;

MINORITY BUSINESS ENTERPRISE

“Minority business development”, \$350,000;

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

“Operations, research, and facilities”, \$16,600,000, to remain available until expended;

“Coastal zone management”, \$50,000, to remain available until expended;

NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION

“Operations, research, and administration”, \$100,000, to remain available until expended;

PATENT AND TRADEMARK OFFICE

“Salaries and expenses”, \$3,000,000;

SCIENCE AND TECHNICAL RESEARCH

(INCLUDING TRANSFER OF FUNDS)

“Scientific and technical research and services”, \$2,750,000, to remain available until expended: *Provided*, That the unexpended balance of the appropriation for “Civilian industrial technology” shall be merged with this appropriation;

MARITIME ADMINISTRATION

“Operations and training”, \$1,500,000, to remain available until expended;

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

“Military personnel, Army”, \$300,494,000;

“Military personnel, Navy”, \$138,474,000;

“Military personnel, Marine Corps”, \$55,128,000;

“Military personnel, Air Force”, \$215,036,000;

“Reserve personnel, Army”, \$9,850,000;

“Reserve personnel, Navy”, \$5,000,000;

“National Guard personnel, Army”, \$8,750,000;

“National Guard personnel, Air Force”, \$6,985,000;

OPERATION AND MAINTENANCE

“Operation and maintenance, Army”, \$167,680,000;
“Operation and maintenance, Navy”, \$100,638,000;
“Operation and maintenance, Marine Corps”, \$16,937,000;
“Operation and maintenance, Air Force”, \$123,584,000;
“Operation and maintenance, Defense Agencies”, \$74,400,000 and, in addition, \$15,000,000 of funds heretofore made available in fiscal year 1977 only for the Civilian Health and Medical Program of the Uniformed Services shall be available without regard to that limitation;
“Operation and maintenance, Army Reserve”, \$6,689,000;
“Operation and maintenance, Navy Reserve”, \$1,800,000;
“Operation and maintenance, Marine Corps Reserve”, \$35,000;
“Operation and maintenance, Air Force Reserve”, \$4,825,000;
“Operation and maintenance, Army National Guard”, \$17,866,000;
“Operation and maintenance, Air National Guard”, \$17,400,000;
“National Board for the Promotion of Rifle Practice, Army”, \$9,000;
“Court of Military Appeals, Defense”, \$47,000;

FAMILY HOUSING

“Family Housing, Defense”, \$5,512,000 (and an increase of \$5,512,000 in the limitation on Department of Defense, operation, maintenance);

DEFENSE CIVIL PREPAREDNESS AGENCY

“Operation and maintenance”, \$826,000;
“Research, shelter survey, and marking”, \$128,000;

DEPARTMENT OF DEFENSE—CIVIL

CORPS OF ENGINEERS—CIVIL

“Operation and maintenance, general”, \$18,700,000, to remain available until expended;
“General expenses”, \$1,850,000;

SOLDIERS' AND AIRMEN'S HOME

“Operation and maintenance”, \$726,000;

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

“Salaries and expenses”, \$8,042,000;

HEALTH SERVICES ADMINISTRATION

“Health Services”, \$6,172,000;
“Indian health services”, \$7,470,000;

HEALTH RESOURCES ADMINISTRATION

“Health Resources”, \$2,970,000;

CENTER FOR DISEASE CONTROL

“Preventive health services”, \$4,545,000;

NATIONAL INSTITUTES OF HEALTH

“Office of the Director”, \$700,000;

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

“Alcohol, drug abuse, and mental health”, \$1,481,000;

“Saint Elizabeths Hospital”, \$4,050,000;

OFFICE OF EDUCATION

“Indian education”, \$79,000;

“Salaries and expenses”, \$3,457,000;

NATIONAL INSTITUTE OF EDUCATION

“National Institute of Education”, \$385,000;

OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION

“Salaries and expenses”, \$306,000;

SOCIAL AND REHABILITATION SERVICE

“Program administration”, \$1,855,000;

SOCIAL SECURITY ADMINISTRATION

“Limitation on salaries and expenses” (increase of \$36,358,000 in the limitation on salaries and expenses paid from trust funds);

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT

“Human development”, \$1,824,000;

DEPARTMENTAL MANAGEMENT

“Office for Civil Rights”, \$700,000;

“Office of Consumer Affairs”, \$50,000;

“General departmental management”, \$4,736,000;

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

MANAGEMENT AND ADMINISTRATION

“Salaries and expenses, Department of Housing and Urban Development”, \$12,363,000, of which \$6,735,000 shall be provided by transfer from the various funds of the Federal Housing Administration;

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

“Management of lands and resources”, \$4,653,000;

BUREAU OF RECLAMATION

“General administrative expenses”, \$900,000, which shall be derived from the reclamation fund;

OFFICE OF WATER RESEARCH AND TECHNOLOGY

“Salaries and expenses”, \$101,000;

BUREAU OF OUTDOOR RECREATION

“Salaries and expenses”, \$216,000;

“Land and water conservation fund”: In addition to the amounts heretofore made available for administrative expenses of the Bureau of Outdoor Recreation, \$226,000 is hereby made available;

UNITED STATES FISH AND WILDLIFE SERVICE

“Resource management”, \$4,170,000;

NATIONAL PARK SERVICE

“Operation of the National Park System”, \$8,688,000;

“Preservation of historic properties”, \$133,000, to remain available until expended;

“John F. Kennedy Center for the Performing Arts”, \$28,000;

GEOLOGICAL SURVEY

“Surveys, investigations, and research”, \$9,297,000;

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

“Salaries and expenses”, \$3,173,000;

BUREAU OF MINES

“Mines and minerals”, \$2,032,000;

SOUTHWESTERN POWER ADMINISTRATION

“Operation and maintenance”, \$106,000;

BUREAU OF INDIAN AFFAIRS

“Operation of Indian programs”, \$13,330,000;

OFFICE OF TERRITORIAL AFFAIRS

“Administration of territories”, \$26,000, to remain available until expended;

“Trust Territory of the Pacific Islands”, \$180,000, to remain available until expended;

OFFICE OF THE SOLICITOR

“Salaries and expenses”, \$545,000;

OFFICE OF THE SECRETARY

“Salaries and expenses”, \$742,000;
“Departmental operations”, \$350,000;

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

“Salaries and expenses”, \$900,000;

LEGAL ACTIVITIES

“Salaries and expenses, general legal activities”, \$2,860,000;
“Salaries and expenses, Antitrust Division”, \$1,036,000;
“Salaries and expenses, United States attorneys and marshals”,
\$6,123,000;
“Salaries and expenses, Community Relations Service”, \$175,000;

FEDERAL BUREAU OF INVESTIGATION

“Salaries and expenses”, \$19,400,000;

IMMIGRATION AND NATURALIZATION SERVICE

“Salaries and expenses”, \$8,515,000;

DRUG ENFORCEMENT ADMINISTRATION

“Salaries and expenses”, \$5,069,000;

FEDERAL PRISON SYSTEM

“Salaries and expenses, Bureau of Prisons”, \$6,950,000;
“National Institute of Corrections”, \$46,000;

DEPARTMENT OF LABOR

(INCLUDING TRANSFER OF FUNDS)

EMPLOYMENT AND TRAINING ADMINISTRATION

“Program administration”, \$2,051,000, together with not to exceed \$1,247,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which \$226,000 shall be for carrying into effect the provisions of 38 U.S.C. 2001-2003;

LABOR-MANAGEMENT SERVICES ADMINISTRATION

“Salaries and expenses”, \$1,543,000;

EMPLOYMENT STANDARDS ADMINISTRATION

“Salaries and expenses”, \$2,987,000, together with \$10,000 which may be expended from the Special Fund in accordance with sections 39(c) and 45(j) of the Longshoremen's and Harbor Workers' Compensation Act;

BUREAU OF LABOR STATISTICS

“Salaries and expenses”, \$2,099,000, of which \$202,000 shall be available, in addition to the amount heretofore made available, for expenses of revising the Consumer Price Index, including salaries of temporary personnel assigned to this project without regard to competitive civil service requirements;

DEPARTMENTAL MANAGEMENT

“Salaries and expenses”, including \$53,000 for the President’s Committee on Employment of the Handicapped, \$2,152,000, together with not to exceed \$7,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund;

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

“Salaries and expenses”, \$7,200,000;

“Acquisition, operation, and maintenance of buildings abroad”, \$150,000, to remain available until expended;

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

“Missions to international organizations”, \$200,000;

“International trade negotiations”, \$50,000;

INTERNATIONAL COMMISSIONS

International Boundary and Water Commission, United States and Mexico: “Salaries and expenses”, \$240,000;

“American sections, international commissions”, \$50,000;

“International fisheries commissions”, \$50,000;

EDUCATIONAL EXCHANGE

“Mutual educational and cultural exchange activities”, \$500,000;

OTHER

“Migration and refugee assistance”, \$30,000;

DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFER OF FUNDS)

OFFICE OF THE SECRETARY

“Salaries and expenses”, \$1,200,000;

COAST GUARD

“Operating expenses”, \$19,803,000, of which \$4,803,000 is to be derived by transfer from the appropriation for “Retired pay”;

“Reserve training”, \$1,100,000;

FEDERAL AVIATION ADMINISTRATION

“Operations”, \$71,800,000;

“Operation and maintenance, metropolitan Washington airports”, \$800,000;

FEDERAL HIGHWAY ADMINISTRATION

“Motor carrier safety”, \$263,000;

“Limitation on general operating expenses” (increase of \$3,700,000 in the limitation on general operating expenses);

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

“Traffic and highway safety”, \$958,000, of which \$335,000 shall be derived from the Highway Trust Fund;

FEDERAL RAILROAD ADMINISTRATION

“Office of the Administrator”, \$270,000;

“Railroad Safety”, \$450,000;

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

“Limitation on administrative expenses, Saint Lawrence Seaway Development Corporation” (increase of \$46,000 in the limitation on administrative expenses);

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

“Salaries and expenses”, \$1,022,000;

FEDERAL LAW ENFORCEMENT TRAINING CENTER

“Salaries and expenses”, \$286,000;

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

“Salaries and expenses”, \$1,669,000;

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

“Salaries and expenses”, \$4,164,000;

UNITED STATES CUSTOMS SERVICE

“Salaries and expenses”, \$12,871,000;

BUREAU OF THE MINT

“Salaries and expenses”, \$1,400,000;

BUREAU OF THE PUBLIC DEBT

“Administering the public debt”, \$1,580,000;

INTERNAL REVENUE SERVICE

“Salaries and expenses”, \$2,080,000;

“Accounts, collection and taxpayer service”, \$25,430,000;

“Compliance”, \$36,620,000;

UNITED STATES SECRET SERVICE

“Salaries and expenses”, \$5,380,000;

ENVIRONMENTAL PROTECTION AGENCY

“Agency and regional management”, \$2,000,000;
“Abatement and control”, \$4,000,000;

GENERAL SERVICES ADMINISTRATION

“Disposal of surplus real and related personal property, operating expenses”, \$237,000;

FEDERAL BUILDINGS FUND

“Limitations on availability of revenue”, In addition to the aggregate amount heretofore made available for real property management and related activities in fiscal year 1977, \$11,697,000 shall be available for such purposes and the limitation on the amount available for real property operations is increased to \$424,309,000 and the limitation on the amount available for program direction and centralized services is increased to \$63,843,000;

FEDERAL SUPPLY SERVICE

“Operating expenses”, \$4,871,000;

NATIONAL ARCHIVES AND RECORDS SERVICE

“Operating expenses”, \$1,600,000;
“Records declassification”, \$60,000;

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE

“Operating expenses”, \$356,000;

FEDERAL PREPAREDNESS AGENCY

“Salaries and expenses”, \$1,024,000;

GENERAL MANAGEMENT AND AGENCY OPERATIONS

“Salaries and expenses”, \$425,000;
“Indian trust accounting”, \$112,000;
“Allowances and office staff for former Presidents”, \$3,000;

ADMINISTRATIVE AND STAFF SUPPORT SERVICES

“Salaries and expenses”, \$2,954,000;
“Consumer Information Center”, \$19,000;

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION

“Research and program management”, \$31,575,000;

VETERANS ADMINISTRATION

“Medical care”, \$128,583,000;
“Medical and prosthetic research”, \$2,900,000, to remain available until expended;
“General operating expenses”, \$15,500,000;
“Construction, minor projects”, \$790,000, to remain available until expended;

OTHER INDEPENDENT AGENCIES

ACTION

“Operating expenses, domestic programs”, \$910,000;

ADVISORY COUNCIL ON HISTORIC PRESERVATION

“Salaries and expenses”, \$27,000;

ARMS CONTROL AND DISARMAMENT AGENCY

“Arms control and disarmament activities”, \$200,000;

CIVIL AERONAUTICS BOARD

“Salaries and expenses”, \$1,196,000;

CIVIL SERVICE COMMISSION

(INCLUDING TRANSFER OF FUNDS)

“Salaries and expenses”, \$3,992,000, together with an additional amount of \$962,000 for current fiscal year administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Commission in amounts determined by the Commission without regard to other statutes;

Federal Labor Relations Council: “Salaries and expenses”, \$72,000;

COMMISSION OF FINE ARTS

“Salaries and expenses”, \$7,000;

COMMISSION ON CIVIL RIGHTS

“Salaries and expenses”, \$300,000;

COMMODITY FUTURES TRADING COMMISSION

“Salaries and expenses”, \$470,000;

COMMUNITY SERVICES ADMINISTRATION

“Community services program”, \$883,000;

CONSUMER PRODUCT SAFETY COMMISSION

“Salaries and expenses”, \$759,000;

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

“Salaries and expenses”, \$2,663,000;

EXPORT-IMPORT BANK OF THE UNITED STATES

“Limitation on administrative expenses”, (increase of \$225,000 in the limitation on administrative expenses);

FARM CREDIT ADMINISTRATION

“Limitation on administrative expenses”, (increase of \$347,000 in the limitation on administrative expenses);

FEDERAL COMMUNICATIONS COMMISSION

“Salaries and expenses”, \$2,215,000;

FEDERAL ELECTION COMMISSION

“Salaries and expenses”, \$180,000;

FEDERAL ENERGY ADMINISTRATION

“Salaries and expenses”, \$4,026,000;

“Strategic petroleum reserve”, \$140,000;

FEDERAL HOME LOAN BANK BOARD

“Limitation on nonadministrative expenses, Federal Home Loan Bank Board” (increase of \$900,000 in the limitation on nonadministrative expenses);

FEDERAL MARITIME COMMISSION

“Salaries and expenses”, \$340,000;

FEDERAL MEDIATION AND CONCILIATION SERVICE

“Salaries and expenses”, \$849,000;

FEDERAL POWER COMMISSION

“Salaries and expenses”, \$1,590,000;

FEDERAL TRADE COMMISSION

“Salaries and expenses”, \$1,980,000;

FOREIGN CLAIMS SETTLEMENT COMMISSION

“Salaries and expenses”, \$17,000;

INDIAN CLAIMS COMMISSION

“Salaries and expenses”, \$35,000;

INTELLIGENCE COMMUNITY OVERSIGHT

“Intelligence community oversight”, \$235,000;

INTERGOVERNMENTAL AGENCIES

Advisory Commission on Intergovernmental Relations: “Salaries and expenses”, \$31,000;

Appalachian Regional Commission: “Salaries and expenses”, \$28,000;

Delaware River Basin Commission: "Salaries and expenses", \$8,000;

Susquehanna River Basin Commission: "Salaries and expenses", \$8,000;

INTERNATIONAL TRADE COMMISSION

"Salaries and expenses", \$490,000;

INTERSTATE COMMERCE COMMISSION

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", \$2,650,000, of which \$1,400,000 is to be derived by transfer from funds previously appropriated for the Office of Rail Public Counsel;

NATIONAL CAPITAL PLANNING COMMISSION

"Salaries and expenses", \$62,000;

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

"Salaries and expenses", \$15,000;

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

"Salaries and expenses", \$540,000;

NATIONAL LABOR RELATIONS BOARD

"Salaries and expenses", \$3,132,000;

NATIONAL MEDIATION BOARD

"Salaries and expenses", \$54,000;

NATIONAL SCIENCE FOUNDATION

"Salaries and expenses", \$2,311,000, (and an increase of \$1,836,000 in the limitation on program development and management);

NUCLEAR REGULATORY COMMISSION

"Salaries and expenses", \$4,350,000, to remain available until expended;

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

"Salaries and expenses", \$150,000;

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

"Salaries and expenses", \$32,000;

RENEGOTIATION BOARD

"Salaries and expenses", \$302,000;

SECURITIES AND EXCHANGE COMMISSION

“Salaries and expenses”, \$2,390,000;

SELECTIVE SERVICE SYSTEM

“Salaries and expenses”, \$250,000;

SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

“Salaries and expenses”, \$4,850,000, of which \$3,780,000 shall be derived by transfer from the “Disaster loan fund”, the “Business loan and investment fund”, the “Lease guarantees revolving fund”, the “Pollution control equipment contract guarantees revolving fund”, and the “Surety Bond guarantees revolving fund”;

SMITHSONIAN INSTITUTION

“Salaries and expenses”, \$3,130,000;

“Science information exchange”, \$72,000;

“Salaries and expenses, National Gallery of Art”, \$377,000;

“Salaries and expenses, Woodrow Wilson International Center for Scholars”, \$20,000;

TEMPORARY STUDY COMMISSIONS

Privacy Protection Study Commission: “Salaries and Expenses”, \$26,000;

UNITED STATES TAX COURT

“Salaries and expenses”, \$32,000.

TITLE III

GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Fiscal year
limitation.

SEC. 302. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during the fiscal year 1977, limiting the amounts which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

SEC. 303. None of the funds made available under Title II of this Act shall be available for any purpose other than increased pay costs authorized by or pursuant to law.

Ante, p. 97.

SEC. 304. None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for the termination or deferral of any project, activity, or weapons system approved by Congress, except specific projects, activities, or weapons systems for which, and to the extent, budget authority has been rescinded or deferred as provided by law.

90 Stat. 2948. SEC. 305. Section 204 of the Water Resources Development Act of 1976 is hereby amended to read as follows:

"SEC. 204. Appropriations for any project which is authorized for initial construction by this Act are authorized for those fiscal years which begin on or after October 1, 1977."

50 USC app. 451. SEC. 306. None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for salaries or expenses in connection with the dismissal of any pending indictments for violations of the Military Selective Service Act alleged to have occurred between August 4, 1964 and March 28, 1973, or the termination of any investigation now pending alleging violations of the Military Selective Service Act between August 4, 1964 and March 28, 1973, or permitting any person to enter the United States who is or may be precluded from entering the United States under 8 U.S.C. 1182(a) (22) or under any other law, by reason of having committed or apparently committed any violation of the Military Selective Service Act.

2 USC 356. SEC. 307. None of the funds contained in this Act shall be used for any adjustments or increases in the rates of pay for legislative offices and positions within the purview of subparagraphs (A) and (B) of subsection (f) of section 225 of Public Law 90-206 made effective pursuant to section 225 of the Postal Revenue and Federal Salary Act of 1967 (Public Law 90-206).

2 USC 351 *et seq.*

Approved May 4, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-68 (Comm. on Appropriations) and No. 95-166 (Comm. of Conference).

SENATE REPORT No. 95-64 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 16, considered and passed House.

Apr. 1, considered and passed Senate, amended.

Apr. 21, House agreed to conference report; receded and concurred in certain Senate amendments; amended certain Senate amendments and insisted on its disagreement to Senate amendment No. 35.

Apr. 22, Senate agreed to conference report; receded and concurred in House amendments to Senate amendments and receded from amendment No. 35.

Public Law 95-27
95th Congress

Joint Resolution

To authorize the printing and binding of an edition of Senate Procedure and providing the same shall be subject to copyright by the author.

May 4, 1977

[S.J. Res. 44]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be printed and bound for the use of the Senate one thousand five hundred copies of a revised edition of Senate Procedure, to be prepared by Floyd M. Riddick, Parliamentarian Emeritus of the United States Senate, to be printed for distribution to the Members of the Senate.

Senate
Procedure.
Printing and
binding.

SEC. 2. That notwithstanding any provision of the copyright laws and regulations with respect to publications in the public domain, such revised edition of Senate Procedure shall be subject to copyright by the author thereof.

Approved May 4, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 5, considered and passed Senate.

Apr. 25, considered and passed House.

Public Law 95-28
95th Congress

An Act

May 13, 1977
[H.R. 11]

To increase the authorization for the Local Public Works Capital Development and Investment Act of 1976.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

Local Public
Works Capital
Development and
Investment Act of
1976,
authorization
increase.
Public Works
Employment Act
of 1977.
42 USC 6701
note.
42 USC 6701.
Public works
project.

SECTION 101. This title may be cited as the "Public Works Employment Act of 1977".

SEC. 102. (a) Paragraph (2) of section 102 of the Local Public Works Capital Development and Investment Act of 1976 is amended by striking out "and American Samoa." and inserting in lieu thereof the following: "American Samoa, and the Trust Territory of the Pacific Islands."

(b) Section 102 of such Act is amended by adding at the end thereof the following:

"(4) 'public works project' includes a project for the transportation and provision of water to a drought-stricken area."

Grants and
contracts,
requirements.
42 USC 6705.
Competitive
bidding.

SEC. 103. Section 106 of the Local Public Works Capital Development and Investment Act of 1976 is amended by adding at the end thereof the following new subsections:

"(e) (1) No part of the construction (including demolition and other site preparation activities), renovation, repair, or other improvement of any public works project for which a grant is made under this Act after the date of enactment of this subsection shall be performed directly by any department, agency, or instrumentality of any State or local government. Construction of each such project shall be performed by contract awarded by competitive bidding, unless the Secretary shall affirmatively find that, under the circumstances relating to such project, some other method is in the public interest. Contracts for the construction of each project shall be awarded only on the basis of the lowest responsive bid submitted by a bidder meeting established criteria of responsibility. No requirement or obligation shall be imposed as a condition precedent to the award of a contract to such bidder for a project, or to the Secretary's concurrence in the award of a contract to such bidder, unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications.

Illegal aliens.

"(2) No grant shall be made under this Act for any local public works project unless the State or local government applying for such grant submits with its application a certification acceptable to the Secretary that no contract will be awarded in connection with such project to any bidder who will employ on such project any alien in the United States in violation of the Immigration and Nationality Act or any other law, convention, or treaty of the United States relating to the immigration, exclusion, deportation, or expulsion of aliens.

8 USC 1101 note.

U.S.-made
products.

"(f) (1) (A) Notwithstanding any other provision of law, no grant shall be made under this Act for any local public works project unless only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manu-

factured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, and supplies mined, produced, or manufactured, as the case may be, in the United States, will be used in such project.

“(B) Subparagraph (A) of this paragraph shall not apply in any case where the Secretary determines it to be inconsistent with the public interest, or the cost to be unreasonable, or if articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

“(2) Except to the extent that the Secretary determines otherwise, no grant shall be made under this Act for any local public works project unless the applicant gives satisfactory assurance to the Secretary that at least 10 per centum of the amount of each grant shall be expended for minority business enterprises. For purposes of this paragraph, the term ‘minority business enterprise’ means a business at least 50 per centum of which is owned by minority group members or, in case of a publicly owned business, at least 51 per centum of the stock of which is owned by minority group members. For the purposes of the preceding sentence, minority group members are citizens of the United States who are Negroes, Spanish-speaking, Orientals, Indians, Eskimos, and Aleuts.

“(g) No grant shall be made under this Act for any project for which the applicant does not give assurances satisfactory to the Secretary that the project will be designed and constructed in accordance with the standards for accessibility for public buildings and facilities to the handicapped and elderly under the Act entitled ‘An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped’, approved August 12, 1968 (42 U.S.C. 4151 et seq.). The Architectural and Transportation Barriers Compliance Board established by the Rehabilitation Act of 1973 (P.L. 93-112) is authorized to insure that any construction and renovation done pursuant to any grant made under this Act complies with the accessibility standards for public buildings and facilities issued under the Act of August 12, 1968.”

SEC. 104. Section 107 of the Local Public Works Capital Development and Investment Act of 1976 is amended by inserting after the third sentence thereof the following new sentence: “The Secretary, in consultation with the Secretary of Labor, and consistent with existing applicable collective bargaining agreements and practices, shall promulgate regulations to assure special consideration to the employment in projects under this Act of qualified disabled veterans (as defined in section 2011(1) of title 38, United States Code) and qualified Vietnam-era veterans (as defined in section 2011(2)(A) of such title 38).”

SEC. 105. Subsection (a) of section 108 of the Local Public Works Capital Development and Investment Act of 1976 is amended to read as follows:

“(a) The Secretary shall allocate funds appropriated after the date of enactment of the Public Works Employment Act of 1977 under section 111 of this Act as follows:

“(1) 2½ per centum of such funds shall be set aside and shall be expended only for grants for public works projects under this Act to Indian tribes and Alaska Native villages. None of the

Grant allocation requirements.

“Minority business enterprise.”

Minority group members.

Accessibility standards for handicapped and elderly.

29 USC 701 note.

Employment of disabled veterans, regulations. 42 USC 6706.

Funds, allocation. 42 USC 6707.

Post, p. 119.

remainder of such funds shall be expended for such grants to such tribes and villages.

“(2) After the set aside required by paragraph (1) of this subsection, \$70,000,000 shall be set aside and expended only for grants for any public works project the application for a grant for which was made under this Act after the date of enactment of this Act and before December 24, 1976, and which application was not received, was not considered, or was rejected solely because of an error by an officer or employee of the United States. Any allocation made to an applicant pursuant to regulation shall be reduced by the amount of any grant made to such applicant under this paragraph.

“(3) After the set asides required by paragraphs (1) and (2) of this subsection, 65 per centum of such funds shall be allocated among the States on the basis of the ratio that the number of unemployed persons in each State bears to the total number of unemployed persons in all the States and 35 per centum of such funds shall be allocated among those States with an average unemployment rate for the preceding twelve-month period in excess of 6.5 per centum on the basis of the relative severity of unemployment in each such State, except that (A) no State shall be allocated less than three-quarters of one per centum or more than 12½ per centum of such funds for local public works projects within such State, except that in the case of Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands, not less than one-half of one per centum in the aggregate shall be granted for such projects in all four of these jurisdictions, and (B) no State whose unemployment data was converted for the first time in 1976 to the benchmark data of the current population survey annual average compiled by the Bureau of Labor Statistics shall receive a percentage of such funds less than the percentage of funds allocated to such State under this Act from funds appropriated to carry out this Act prior to the date of enactment of the Public Works Employment Act of 1977.”.

42 USC 6707.

SEC. 106. Subsection (b) of section 108 of the Local Public Works Capital Development and Investment Act of 1976 is amended by—

(1) inserting “(1)” immediately after “(b)”;

(2) adding at the end thereof the following new paragraphs:

“(2) In making grants for projects for construction, renovation, repair, or other improvement of buildings, the Secretary shall also give consideration as between such building projects to those projects which will result in conserving energy, including, but not limited to, projects to redesign and retrofit existing public facilities for energy conservation purposes, and projects using alternative energy systems.

“(3) In making grants under this Act, the Secretary shall also give priority and preference to any public works project requested by a State or by a special purpose unit of local government which is endorsed by a general purpose local government within such State.

“(4) A project requested by a school district shall be accorded the full priority and preference to public works projects of local governments provided in section 108(b) of this Act.”.

SEC. 107. (a) The first sentence of subsection (c) of section 108 of the Local Public Works Capital Development and Investment Act of 1976 is amended by striking out “three most recent consecutive months” each place it appears and inserting in lieu thereof at each such place “twelve most recent consecutive months”.

Waiver.

(b) Subsection (c) of section 108 of such Act is amended by adding

at the end thereof the following new sentence: "The Secretary may waive the application of the first sentence of this subsection to any State which receives a minimum allocation pursuant to paragraph (3) of subsection (a) of this section."

(c) Subsection (d) of section 108 of such Act is amended to read as follows: 42 USC 6707.

"(d) Whenever a State or local government submits applications for grants under this Act for two or more projects, such State or local government shall submit as part of such applications its priority for each such project."

(d) Subsection (e) of section 108 of such Act is amended by striking out "of direct benefit to," and all that follows down through and including the period at the end of the sentence and inserting in lieu thereof: "to be constructed in such community or neighborhood."

(e) Subsection (f) of section 108 of such Act is hereby repealed. Repeal.

(f) Section 108 of such Act is amended by adding at the end thereof the following new subsections:

"(h) (1) Except as provided in paragraph (2) of this subsection, the Secretary shall not consider or approve or make a grant for any project for which any application was not submitted for a grant under this Act on or before December 23, 1976.

"(2) The Secretary may receive applications for grants for projects under this Act—

"(A) from the Trust Territory of the Pacific Islands;

"(B) from Indian tribes and Alaska Native villages;

"(C) from any applicant to use any allocation which may be made pursuant to regulation, to the extent necessary to expend such allocation, if a sufficient number of applications were not submitted on or before December 23, 1976, to use such allocation.

"(i) The Secretary may allow any applicant which has received a grant for a project under this Act to substitute one or more projects for such project if in the judgment of the Secretary (1) the Federal cost in the aggregate of such substituted project or projects does not exceed such grant, (2) such substituted project or projects comply with section 106(d) of this Act, and (3) such substituted project or projects will in fact aid in alleviating drought or other emergency or disaster-related conditions or damage. Section 106(a) of this Act shall not apply to projects substituted under this subsection. Ante, p. 118.

"(j) Notwithstanding subsection (h) (1) of this section, grants may be made from appropriations made under section 111 of this Act after September 30, 1977, to States or local governments for projects for the construction, renovation, repair, or other improvements of health care or rehabilitation facilities owned and operated by private nonprofit entities." Post, p. 120.

SEC. 108. The first sentence of section 109 of the Local Public Works Capital Development and Investment Act of 1976 is amended by striking out "by contractors or subcontractors". 42 USC 6708.

SEC. 109. Section 111 of the Local Public Works Capital Development and Investment Act of 1976 is amended by striking out "\$2,000,000,000 for the period ending September 30, 1977," and inserting in lieu thereof "\$6,000,000,000 for the period ending December 31, 1978." 42 USC 6710.

SEC. 110. (a) The Secretary of Commerce is authorized and directed to study public works investment in the United States and the implications for the future of recent trends in such investment. Public works investment, study. 42 USC 6701 note.

(b) The study authorized by this section shall include, but not be limited to, the following:

(1) The historical scope and nature of public works investment, including—

(A) shifts in the types of public facilities constructed over the last thirty years and the implications of such shifts;

(B) the patterns of regional distribution of investment;

(C) the role of the Federal Government, States, and local communities in funding public facilities;

(D) the impact upon unemployment in minority groups.

(2) The proportion of the gross national product devoted to public works investment over the last thirty years.

(3) Methods by which the aggregate need for public works can be determined.

(4) How public works are financed and how financing arrangements affect the pattern and type of investment.

(5) The level of maintenance or renovation of existing public facilities needed, compared to that provided.

Report to
Congress.

(c) The Secretary of Commerce shall submit to Congress a report with respect to its findings and recommendations no later than eighteen months after the date of enactment of this section. A preliminary report putting forth the study design shall be submitted to Congress within four months after the date of enactment of this section.

42 USC 6710
note.

SEC. 111. The Secretary of Agriculture and the Secretary of the Interior shall immediately initiate the construction of those Federal public works projects (A) which are the responsibility of their respective departments, (B) which have been authorized, and (C) which can be commenced within 60 days of the date of enactment of this section and completed no later than the 180th day after commencement of construction. No funds authorized by section 111 of the Local Public Works Capital Development and Investment Act of 1976 (Public Law 94-369) may be used to carry out this section.

Funds,
prohibition.
42 USC 6710.

TITLE II—FEDERAL PUBLIC WORKS PROJECTS CONTINUATION

SEC. 201. The Congress hereby finds and declares that:

90 Stat. 889.

(A) the construction projects listed in Public Law 94-355, the Public Works for Water and Power Development and Energy Research Appropriations Act, 1977, and in Public Law 94-351, the Agriculture and Related Agencies Programs Appropriations Act, 1977, represent the foundation of our national public works activity. Such projects are essential to the reduction of unemployment;

90 Stat. 851.

(B) such projects provide long-term benefits to communities, to States, and to the entire Nation in terms of water management, flood control, navigation, recreation, and enhanced economic activity; and

(C) such projects have been authorized by the Congress after protracted hearings and consideration extended over many years. Appropriations have been made and are being made pursuant thereto. It is the judgment of Congress that such projects should not be discontinued except by following the legislative process provided by the Constitution of the United States and the provisions of Public Law 93-344, the Congressional Budget and Impoundment Control Act of 1974.

31 USC 1301
note.

Budget deferrals
and rescissions,
exception.

SEC. 202. Notwithstanding the deferral and rescission provisions of Public Law 93-344, all appropriations provided in Public Laws 94-355 and 94-351 for construction projects or for investigation, plan-

ning, or design related to construction projects shall be made available for obligation by the President and expended for the purposes for which the appropriations are made, with the exception of those appropriations or expenditures relating to the Meramec Park Lake project in Missouri.

Sec. 203. With the exception noted relating to the Meramec Park Lake project in Missouri, section 202 of this Act shall be equivalent to and have the legal effect of a resolution disapproving any deferral of budget authority previously provided for construction projects in Public Law 93-355 or in any prior law appropriating funds for the United States Army Corps of Engineers or the Department of the Interior Bureau of Reclamation, or for construction projects in Public Law 94-351 or any prior law appropriating funds for construction projects in the Department of Agriculture as provided for in section 1013(b) of Public Law 93-344, the Congressional Budget and Impoundment Control Act of 1974. With the exception noted relating to the Meramec Park Lake project in Missouri, section 202 is also equivalent to a congressional statement of intent not to uphold any rescission of budget authority with regard to funds appropriated for construction projects in Public Law 94-355 or Public Law 94-351 or for construction projects in any prior law appropriating funds for the United States Army Corps of Engineers, the Department of the Interior Bureau of Reclamation, or the Department of Agriculture, as provided for in section 1012(b) of Public Law 93-344.

Sec. 204. It is hereby reiterated that the interest rates or rates of discount to be used to assess the return on the Federal Government's investment in projects of the United States Army Corps of Engineers or the Department of the Interior Bureau of Reclamation, shall be those interest rates or rates of discount established by Public Law 93-251, the Water Resources Development Act of 1974, or by any prior law authorizing projects of the United States Army Corps of Engineers or the Department of the Interior Bureau of Reclamation.

Approved May 13, 1977.

90 Stat. 889.

90 Stat. 851.

31 USC 1403.
Ante, p. 120.

31 USC 1402.
Interest rates
and rates of
discount.
42 USC
1962d-17 note.
88 Stat. 12.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-20 (Comm. on Public Works and Transportation) and No. 95-230 (Comm. of Conference).

SENATE REPORTS: No. 95-38 accompanying S. 427 (Comm. on Environment and Public Works) and No. 95-110 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Feb. 24, considered and passed House.

Mar. 10, considered and passed Senate, amended, in lieu of S. 427.

Apr. 5, House concurred in Senate amendment with an amendment.

Apr. 28, 29, Senate agreed to conference report.

May 3, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 20:

May 13, Presidential statement.

Public Law 95-29
95th Congress

An Act

May 13, 1977
[H.R. 4876]

Making economic stimulus appropriations for the fiscal year ending September 30, 1977, and for other purposes.

Economic
stimulus
appropriations,
1977.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for economic stimulus appropriations for the fiscal year ending September 30, 1977, and for other purposes, namely:

TITLE I

CHAPTER I

DEPARTMENT OF THE TREASURY

PAYMENTS TO STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND

For payments to the State and Local Government Fiscal Assistance Trust Fund, as authorized by the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221-1263), \$4,991,085,000.

ANTIRECESSION FINANCIAL ASSISTANCE FUND

For an additional amount for the "Antirecession Financial Assistance Fund", \$632,500,000, to remain available until September 30, 1978.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", \$95,000,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

CONSTRUCTION GRANTS

33 USC 1286.

For payment of reimbursement claims pursuant to section 206(a) of the Federal Water Pollution Control Act, as amended, \$300,000,000, to remain available until expended.

CHAPTER II

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

For an additional amount for "Program administration", \$4,397,000, together with not to exceed \$100,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

EMPLOYMENT AND TRAINING ASSISTANCE

For an additional amount for "Employment and training assistance", \$2,578,000,000, to remain available until September 30, 1978.

TEMPORARY EMPLOYMENT ASSISTANCE

For financial assistance as authorized by Title VI of the Comprehensive Employment and Training Act of 1973, as amended, \$6,847,000,000, to remain available until September 30, 1978. 29 USC 961.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community service employment for older Americans", \$59,400,000, of which \$44,500,000 is to carry out section 906(a)(1) of the Older Americans Act. 42 USC 3056d.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$500,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$602,000.

CHAPTER III

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

DROUGHT ASSISTANCE PROGRAM

For expenses necessary to carry out a community emergency drought assistance program, \$175,000,000: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation.

LOCAL PUBLIC WORKS PROGRAM

For an additional amount for "Local public works program", \$4,000,000,000: *Provided*, That not to exceed \$15,000,000, to remain available until September 30, 1979, may be used for necessary admin-

istrative expenses, including expenses for program evaluation by the Secretary of Commerce.

CHAPTER IV

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS (AIRPORT AND AIRWAY TRUST FUND)

90 Stat. 1184.

Section 302 of the Department of Transportation and Related Agencies Appropriation Act, 1977 (Public Law 94-387) is amended by striking out "\$510,000,000" and inserting in lieu thereof: "\$545,000,000".

FEDERAL HIGHWAY ADMINISTRATION

OFF-SYSTEM RAILWAY-HIGHWAY CROSSINGS

23 USC 130 note.

For necessary expenses for the elimination of hazards of railway-highway crossings on roads other than those on any Federal-aid system in accordance with the provisions of section 203 of the "Highway Safety Act of 1976", to remain available until September 30, 1980; \$75,000,000.

SAFER OFF-SYSTEM ROADS

For necessary expenses to carry out the provisions of 23 U.S.C. 219; \$200,000,000, to remain available until September 30, 1980.

TRAFFIC CONTROL SIGNALIZATION DEMONSTRATION PROJECTS

23 USC 135 note.

For necessary expenses to carry out the provisions of section 146 of the "Federal-Aid Highway Act of 1976"; \$10,000,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1980.

HIGHWAYS CROSSING FEDERAL PROJECTS

For an additional amount for "Highways crossing Federal projects" authorized by 23 U.S.C. 156; \$15,000,000, to remain available until September 30, 1979.

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

23 USC 130 note.
49 USC 1605
note.

For necessary expenses of railroad-highway crossings demonstration projects, as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, and title III of the National Mass Transportation Assistance Act of 1974, to remain available until expended, \$16,000,000 of which \$10,666,667 shall be derived from the Highway Trust Fund.

FEDERAL RAILROAD ADMINISTRATION

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For an additional amount for the Northeast Corridor improvement program, \$50,000,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

For an additional amount pursuant to sections 502, 505-507, and 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210) as amended, \$50,000,000, to remain available until September 30, 1978.

45 USC 822,
825-827, 829.

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

INVESTMENT IN FUND ANTICIPATION NOTES

For an additional amount for investment in fund anticipation notes, \$50,000,000, to remain available until September 30, 1978.

CHAPTER V

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

ACCOUNTS, COLLECTION AND TAXPAYER SERVICE

For an additional amount for "Accounts, collection and taxpayer service", \$2,000,000.

TITLE II

GENERAL PROVISIONS

SEC. 201. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Approved May 13, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-66, No. 95-66, pt. II (Comm. on Appropriations) and No. 95-238 (Comm. of Conference).

SENATE REPORT No. 95-58 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 15, considered and passed House.

May 2, considered and passed Senate, amended.

May 4. House agreed to conference; receded and concurred in certain Senate amendments with amendments.

May 5, Senate agreed to conference report; concurred in House amendments to Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 20:

May 13, Presidential statement.

Public Law 95-30
95th Congress

An Act

May 23, 1977
[H.R. 3477]

To reduce individual and business income taxes and to provide tax simplification and reform.

Tax Reduction
and
Simplification
Act of 1977.
26 USC 1 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Tax Reduction and Simplification Act of 1977”.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Amendment of 1954 Code.

TITLE I—REDUCTION AND SIMPLIFICATION OF INDIVIDUAL INCOME TAXES

Sec. 101. Change in tax rates and tax tables to reflect permanent increase in standard deduction.

Sec. 102. Change in definition of taxable income to reflect change in tax rates and tables.

Sec. 103. Extension of individual income tax reductions.

Sec. 104. Change in filing requirements.

Sec. 105. Withholding tax.

Sec. 106. Effective dates.

TITLE II—REDUCTION IN BUSINESS TAXES

Sec. 201. Extension of certain corporate income tax reductions.

Sec. 202. New jobs credit.

TITLE III—PROVISIONS RELATING TO EFFECTIVE DATES AND OTHER PROVISIONS OF THE TAX REFORM ACT OF 1976

Sec. 301. Effective date of changes in the exclusion for sick pay.

Sec. 302. Changes in treatment of income earned abroad by United States citizens living or residing abroad.

Sec. 303. Underpayments of estimated tax.

Sec. 304. Underwithholding.

Sec. 305. Interest on underpayments of tax.

Sec. 306. Use of residence as day care facility.

Sec. 307. State legislators' travel expenses away from home.

Sec. 308. Treatment of intangible drilling costs for purposes of the minimum tax.

Sec. 309. Transfers of partial interests in property for conservation purposes.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Authorization of additional appropriations for the work incentive program.

Sec. 402. Rapid amortization of child care facilities.

Sec. 403. Election of former retirement income credit provisions for 1976.

Sec. 404. Postponement of effective date of changes made by the Tax Reform Act of 1976 in the method of accounting for certain corporations engaged in farming.

Sec. 405. Withholding tax on certain gambling winnings.

Sec. 406. Termination of 1975 special payments to certain individuals.

Sec. 407. Payments to the governments of American Samoa, Guam, and the Virgin Islands.

Sec. 408. Withholding of county income tax on Federal employees.

TITLE V—CERTAIN SOCIAL SECURITY ACT AMENDMENTS

Sec. 501. Clarification of garnishment provisions.
 Sec. 502. Bonding of certain State or local employees; handling of cash receipts.
 Sec. 503. Incentive payments to States and localities.
 Sec. 504. Annual report of the Secretary.
 Sec. 505. Certain AFDC payments.

SEC. 2. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

26 USC 1 *et seq.*

TITLE I—REDUCTION AND SIMPLIFICATION OF INDIVIDUAL INCOME TAXES

SEC. 101. CHANGE IN TAX RATES AND TAX TABLES TO REFLECT PERMANENT INCREASE IN STANDARD DEDUCTION.

(a) CHANGE IN TAX RATES.—Section 1 (relating to tax imposed) is amended to read as follows: 26 USC 1.

“SECTION 1. TAX IMPOSED.

“(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

“(1) every married individual (as defined in section 143) who makes a single return jointly with his spouse under section 6013, and

“(2) every surviving spouse (as defined in section 2(a)),
 a tax determined in accordance with the following table:

“If the taxable income is:	The tax is:
Not over \$3,200-----	No tax.
Over \$3,200 but not over \$4,200-----	14% of the excess over \$3,200.
Over \$4,200 but not over \$5,200-----	\$140, plus 15% of excess over \$4,200.
Over \$5,200 but not over \$6,200-----	\$290, plus 16% of excess over \$5,200.
Over \$6,200 but not over \$7,200-----	\$450, plus 17% of excess over \$6,200.
Over \$7,200 but not over \$11,200-----	\$620, plus 19% of excess over \$7,200.
Over \$11,200 but not over \$15,200-----	\$1,380, plus 22% of excess over \$11,200.
Over \$15,200 but not over \$19,200-----	\$2,260, plus 25% of excess over \$15,200.
Over \$19,200 but not over \$23,200-----	\$3,260, plus 28% of excess over \$19,200.
Over \$23,200 but not over \$27,200-----	\$4,380, plus 32% of excess over \$23,200.
Over \$27,200 but not over \$31,200-----	\$5,660, plus 36% of excess over \$27,200.
Over \$31,200 but not over \$35,200-----	\$7,100, plus 39% of excess over \$31,200.
Over \$35,200 but not over \$39,200-----	\$8,660, plus 42% of excess over \$35,200.
Over \$39,200 but not over \$43,200-----	\$10,340, plus 45% of excess over \$39,200.
Over \$43,200 but not over \$47,200-----	\$12,140, plus 48% of excess over \$43,200.
Over \$47,200 but not over \$55,200-----	\$14,060, plus 50% of excess over \$47,200.

"If the taxable income is:	The tax is:
Over \$55,200 but not over \$67,200-----	\$18,060, plus 53% of excess over \$55,200.
Over \$67,200 but not over \$79,200-----	\$24,420, plus 55% of excess over \$67,200.
Over \$79,200 but not over \$91,200-----	\$31,020, plus 58% of excess over \$79,200.
Over \$91,200 but not over \$103,200-----	\$37,980, plus 60% of excess over \$91,200.
Over \$103,200 but not over \$123,200-----	\$45,180, plus 62% of excess over \$103,200.
Over \$123,200 but not over \$143,200-----	\$57,580, plus 64% of excess over \$123,200.
Over \$143,200 but not over \$163,200-----	\$70,380, plus 66% of excess over \$143,200.
Over \$163,200 but not over \$183,200-----	\$83,580, plus 68% of excess over \$163,200.
Over \$183,200 but not over \$203,200-----	\$97,180, plus 69% of excess over \$183,200.
Over \$203,200-----	\$110,980, plus 70% of excess over \$203,200.

"(b) HEADS OF HOUSEHOLDS.—There is hereby imposed on the taxable income of every individual who is the head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over \$2,200-----	No tax.
Over \$2,200 but not over \$3,200-----	14% of the excess over \$2,200.
Over \$3,200 but not over \$4,200-----	\$140, plus 16% of excess over \$3,200.
Over \$4,200 but not over \$6,200-----	\$300, plus 18% of excess over \$4,200.
Over \$6,200 but not over \$8,200-----	\$660, plus 19% of excess over \$6,200.
Over \$8,200 but not over \$10,200-----	\$1,040, plus 22% of excess over \$8,200.
Over \$10,200 but not over \$12,200-----	\$1,480, plus 23% of excess over \$10,200.
Over \$12,200 but not over \$14,200-----	\$1,940, plus 25% of excess over \$12,200.
Over \$14,200 but not over \$16,200-----	\$2,440, plus 27% of excess over \$14,200.
Over \$16,200 but not over \$18,200-----	\$2,980, plus 28% of excess over \$16,200.
Over \$18,200 but not over \$20,200-----	\$3,540, plus 31% of excess over \$18,200.
Over \$20,200 but not over \$22,200-----	\$4,160, plus 32% of excess over \$20,200.
Over \$22,200 but not over \$24,200-----	\$4,800, plus 35% of excess over \$22,200.
Over \$24,200 but not over \$26,200-----	\$5,500, plus 36% of excess over \$24,200.
Over \$26,200 but not over \$28,200-----	\$6,220, plus 38% of excess over \$26,200.
Over \$28,200 but not over \$30,200-----	\$6,980, plus 41% of excess over \$28,200.
Over \$30,200 but not over \$34,200-----	\$7,800, plus 42% of excess over \$30,200.
Over \$34,200 but not over \$38,200-----	\$9,480, plus 45% of excess over \$34,200.
Over \$38,200 but not over \$40,200-----	\$11,280, plus 48% of excess over \$38,200.
Over \$40,200 but not over \$42,200-----	\$12,240, plus 51% of excess over \$40,200.
Over \$42,200 but not over \$46,200-----	\$13,260, plus 52% of excess over \$42,200.
Over \$46,200 but not over \$52,200-----	\$15,340, plus 55% of excess over \$46,200.

"If the taxable income is:	The tax is:
Over \$52,200 but not over \$54,200-----	\$18,640, plus 56% of excess over \$52,200.
Over \$54,200 but not over \$66,200-----	\$19,760, plus 58% of excess over \$54,200.
Over \$66,200 but not over \$72,200-----	\$26,720, plus 59% of excess over \$66,200.
Over \$72,200 but not over \$78,200-----	\$30,260, plus 61% of excess over \$72,200.
Over \$78,200 but not over \$82,200-----	\$33,920, plus 62% of excess over \$78,200.
Over \$82,200 but not over \$90,200-----	\$36,400, plus 63% of excess over \$82,200.
Over \$90,200 but not over \$102,200-----	\$41,440, plus 64% of excess over \$90,200.
Over \$102,200 but not over \$122,200-----	\$49,120, plus 66% of excess over \$102,200.
Over \$122,200 but not over \$142,200-----	\$62,320, plus 67% of excess over \$122,200.
Over \$142,200 but not over \$162,200-----	\$75,720, plus 68% of excess over \$142,200.
Over \$162,200 but not over \$182,200-----	\$89,320, plus 69% of excess over \$162,200.
Over \$182,200-----	\$103,120, plus 70% of excess over \$182,200.

"(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—There is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 143) a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over \$2,200-----	No tax.
Over \$2,200 but not over \$2,700-----	14% of the excess over \$2,200.
Over \$2,700 but not over \$3,200-----	\$70, plus 15% of excess over \$2,700.
Over \$3,200 but not over \$3,700-----	\$145, plus 16% of excess over \$3,200.
Over \$3,700 but not over \$4,200-----	\$225, plus 17% of excess over \$3,700.
Over \$4,200 but not over \$6,200-----	\$310, plus 19% of excess over \$4,200.
Over \$6,200 but not over \$8,200-----	\$690, plus 21% of excess over \$6,200.
Over \$8,200 but not over \$10,200-----	\$1,110, plus 24% of excess over \$8,200.
Over \$10,200 but not over \$12,200-----	\$1,590, plus 25% of excess over \$10,200.
Over \$12,200 but not over \$14,200-----	\$2,090, plus 27% of excess over \$12,200.
Over \$14,200 but not over \$16,200-----	\$2,630, plus 29% of excess over \$14,200.
Over \$16,200 but not over \$18,200-----	\$3,210, plus 31% of excess over \$16,200.
Over \$18,200 but not over \$20,200-----	\$3,830, plus 34% of excess over \$18,200.
Over \$20,200 but not over \$22,200-----	\$4,510, plus 36% of excess over \$20,200.
Over \$22,200 but not over \$24,200-----	\$5,230, plus 38% of excess over \$22,200.
Over \$24,200 but not over \$28,200-----	\$5,990, plus 40% of excess over \$24,200.
Over \$28,200 but not over \$34,200-----	\$7,590, plus 45% of excess over \$28,200.
Over \$34,200 but not over \$40,200-----	\$10,290, plus 50% of excess over \$34,200.
Over \$40,200 but not over \$46,200-----	\$13,290, plus 55% of excess over \$40,200.
Over \$46,200 but not over \$52,200-----	\$16,590, plus 60% of excess over \$46,200.

"If the taxable income is:	The tax is:
Over \$52,200 but not over \$62,200-----	\$20,190, plus 62% of excess over \$52,200.
Over \$62,200 but not over \$72,200-----	\$26,390, plus 64% of excess over \$62,200.
Over \$72,200 but not over \$82,200-----	\$32,790, plus 66% of excess over \$72,200.
Over \$82,200 but not over \$92,200-----	\$39,390, plus 68% of excess over \$82,200.
Over \$92,200 but not over \$102,200-----	\$46,190, plus 69% of excess over \$92,200.
Over \$102,200-----	\$53,090, plus 70% of excess over \$102,200.

"(d) **MARRIED INDIVIDUALS FILING SEPARATE RETURNS.**—There is hereby imposed on the taxable income of every married individual (as defined in section 143) who does not make a single return jointly with his spouse under section 6013 a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over \$1,600-----	No tax.
Over \$1,600 but not over \$2,100-----	14% of the excess over \$1,600.
Over \$2,100 but not over \$2,600-----	\$70, plus 15% of excess over \$2,100.
Over \$2,600 but not over \$3,100-----	\$145, plus 16% of excess over \$2,600.
Over \$3,100 but not over \$3,600-----	\$225, plus 17% of excess over \$3,100.
Over \$3,600 but not over \$5,600-----	\$310, plus 19% of excess over \$3,600.
Over \$5,600 but not over \$7,600-----	\$690, plus 22% of excess over \$5,600.
Over \$7,600 but not over \$9,600-----	\$1,130, plus 25% of excess over \$7,600.
Over \$9,600 but not over \$11,600-----	\$1,630, plus 28% of excess over \$9,600.
Over \$11,600 but not over \$13,600-----	\$2,190, plus 32% of excess over \$11,600.
Over \$13,600 but not over \$15,600-----	\$2,830, plus 36% of excess over \$13,600.
Over \$15,600 but not over \$17,600-----	\$3,550, plus 39% of excess over \$15,600.
Over \$17,600 but not over \$19,600-----	\$4,330, plus 42% of excess over \$17,600.
Over \$19,600 but not over \$21,600-----	\$5,170, plus 45% of excess over \$19,600.
Over \$21,600 but not over \$23,600-----	\$6,070, plus 48% of excess over \$21,600.
Over \$23,600 but not over \$27,600-----	\$7,030, plus 50% of excess over \$23,600.
Over \$27,600 but not over \$33,600-----	\$9,030, plus 53% of excess over \$27,600.
Over \$33,600 but not over \$39,600-----	\$12,210, plus 55% of excess over \$33,600.
Over \$39,600 but not over \$45,600-----	\$15,510, plus 58% of excess over \$39,600.
Over \$45,600 but not over \$51,600-----	\$18,990, plus 60% of excess over \$45,600.
Over \$51,600 but not over \$61,600-----	\$22,590, plus 62% of excess over \$51,600.
Over \$61,600 but not over \$71,600-----	\$28,790, plus 64% of excess over \$61,600.
Over \$71,600 but not over \$81,600-----	\$35,190, plus 66% of excess over \$71,600.
Over \$81,600 but not over \$91,600-----	\$41,790, plus 68% of excess over \$81,600.
Over \$91,600 but not over \$101,600-----	\$48,590, plus 69% of excess over \$91,600.
Over \$101,600-----	\$55,490, plus 70% of excess over \$101,600.

“(e) ESTATES AND TRUSTS.—There is hereby imposed on the taxable income of every estate and trust taxable under this subsection a tax determined in accordance with the following table:

“If the taxable income is:	The tax is:
Not over \$500-----	14% of the taxable income.
Over \$500 but not over \$1,000-----	\$70, plus 15% of excess over \$500.
Over \$1,000 but not over \$1,500-----	\$145, plus 16% of excess over \$1,000.
Over \$1,500 but not over \$2,000-----	\$225, plus 17% of excess over \$1,500.
Over \$2,000 but not over \$4,000-----	\$310, plus 19% of excess over \$2,000.
Over \$4,000 but not over \$6,000-----	\$690, plus 22% of excess over \$4,000.
Over \$6,000 but not over \$8,000-----	\$1,130, plus 25% of excess over \$6,000.
Over \$8,000 but not over \$10,000-----	\$1,630, plus 28% of excess over \$8,000.
Over \$10,000 but not over \$12,000-----	\$2,190, plus 32% of excess over \$10,000.
Over \$12,000 but not over \$14,000-----	\$2,830, plus 36% of excess over \$12,000.
Over \$14,000 but not over \$16,000-----	\$3,550, plus 39% of excess over \$14,000.
Over \$16,000 but not over \$18,000-----	\$4,330, plus 42% of excess over \$16,000.
Over \$18,000 but not over \$20,000-----	\$5,170, plus 45% of excess over \$18,000.
Over \$20,000 but not over \$22,000-----	\$6,070, plus 48% of excess over \$20,000.
Over \$22,000 but not over \$26,000-----	\$7,030, plus 50% of excess over \$22,000.
Over \$26,000 but not over \$32,000-----	\$9,030, plus 53% of excess over \$26,000.
Over \$32,000 but not over \$38,000-----	\$12,210, plus 55% of excess over \$32,000.
Over \$38,000 but not over \$44,000-----	\$15,510, plus 58% of excess over \$38,000.
Over \$44,000 but not over \$50,000-----	\$18,990, plus 60% of excess over \$44,000.
Over \$50,000 but not over \$60,000-----	\$22,590, plus 62% of excess over \$50,000.
Over \$60,000 but not over \$70,000-----	\$28,790, plus 64% of excess over \$60,000.
Over \$70,000 but not over \$80,000-----	\$35,190, plus 66% of excess over \$70,000.
Over \$80,000 but not over \$90,000-----	\$41,790, plus 68% of excess over \$80,000.
Over \$90,000 but not over \$100,000---	\$48,590, plus 69% of excess over \$90,000.
Over \$100,000-----	\$55,490, plus 70% of excess over \$100,000.”

(b) CHANGE IN TAX TABLES.—Section 3 (relating to tax tables for individuals having taxable income of less than \$20,000) is amended to read as follows: 26 USC 3.

“SEC. 3. TAX TABLES FOR INDIVIDUALS.

“(a) IMPOSITION OF TAX TABLE TAX.—

“(1) IN GENERAL.—In lieu of the tax imposed by section 1, there is hereby imposed for each taxable year on the tax table income of every individual whose tax table income for such year does not exceed the ceiling amount, a tax determined under tables, applicable to such taxable year, which shall be prescribed by *Ante*, p. 127.

the Secretary. In the tables so prescribed, the amounts of tax shall be computed on the basis of the rates prescribed by section 1.

Ante, p. 127.

“(2) **CEILING AMOUNT DEFINED.**—For purposes of paragraph (1), the term ‘ceiling amount’ means, with respect to any taxpayer, the amount (not less than \$20,000) determined by the Secretary for the tax rate category in which such taxpayer falls.

“(3) **CERTAIN TAXPAYERS WITH LARGE NUMBER OF EXEMPTIONS.**—The Secretary may exclude from the application of this section taxpayers in any tax rate category having more than the number of exemptions for that category determined by the Secretary.

“(4) **TAX TABLE INCOME DEFINED.**—For purposes of this section, the term ‘tax table income’ means adjusted gross income—

“(A) reduced by the excess itemized deductions, and

“(B) increased (in the case of an individual to whom section 63(e) applies) by the unused zero bracket amount.

Post, p. 135.

“(b) **SECTION INAPPLICABLE TO CERTAIN INDIVIDUALS.**—This section shall not apply to—

“(1) an individual to whom—

“(A) section 911 (relating to earned income from sources without the United States),

“(B) section 1201 (relating to alternative capital gains tax),

“(C) section 1301 (relating to income averaging), or

“(D) section 1348 (relating to maximum rate on personal service income),

applies for the taxable year,

“(2) an individual making a return under section 443(a) (1) for a period of less than 12 months on account of a change in annual accounting period, and

“(3) an estate or trust.

“(c) **TAX TREATED AS IMPOSED BY SECTION 1.**—For purposes of this title, the tax imposed by this section shall be treated as tax imposed by section 1.

“(d) **TAXABLE INCOME.**—Whenever it is necessary to determine the taxable income of an individual to whom this section applies, the taxable income shall be determined under section 63.

“(e) **CROSS REFERENCE.**—

“For computation of tax by Secretary, see section 6014.”

(c) **CHANGES IN GENERAL TAX CREDIT.**—

26 USC 42.

(1) Subsection (a) of section 42 (relating to allowance of general tax credit) is amended to read as follows:

“(a) **ALLOWANCE OF CREDIT.**—In the case of an individual, there shall be allowed as a credit against the tax imposed by section 1, or against the tax imposed in lieu of the tax imposed by section 1, for the taxable year an amount equal to the greater of—

“(1) 2 percent of so much of the taxpayer’s taxable income for the taxable year (reduced by the zero bracket amount) as does not exceed \$9,000; or

“(2) \$35 multiplied by each exemption for which the taxpayer is entitled to a deduction for the taxable year under section 151.”

(2) Section 42 is amended by adding at the end thereof the following new subsection:

“(e) **INCOME TAX TABLES TO REFLECT CREDIT.**—The tables prescribed by the Secretary under section 3 shall reflect the credit allowed by this section.” *Ante*, p. 131.

(3) Subsection (c) of section 42 is amended to read as follows: 26 USC 42.

“(c) **SPECIAL RULE FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.**—

“(1) **IN GENERAL.**—In the case of a married individual who files a separate return for the taxable year, the amount of the credit allowable under subsection (a) for the taxable year shall be the amount determined under paragraph (2) of subsection (a).” *Ante*, p. 132.

“(2) **MARITAL STATUS.**—For purposes of this subsection, the determination of marital status shall be made under section 143.”

(4) The first sentence of subsection (b) of section 42 is amended by striking out “by this chapter” and inserting in lieu thereof the following: “by section 1, or the amount of the tax imposed in lieu of the tax imposed by section 1.” *Ante*, p. 127.

(d) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) Section 141 (relating to standard deduction), section 142 (relating to individuals not eligible for standard deduction), section 144 (relating to election of standard deduction), and section 145 (cross reference) are hereby repealed. *Repeals.*
26 USC 141,
142.
26 USC 144.
26 USC 145.

(2) Section 21 (relating to effect of changes) is amended—

(A) by striking out subsections (d) and (e),

(B) by redesignating subsection (f) as subsection (d), and

(C) by inserting after subsection (d) (as so redesignated) the following new subsection:

“(e) **CHANGES MADE BY TAX REDUCTION AND SIMPLIFICATION ACT OF 1977.**—In applying subsection (a) to a taxable year of an individual which is not a calendar year, the amendments made by sections 101 and 102 of the Tax Reduction and Simplification Act of 1977 shall not be treated as changes in a rate of tax.” *Repeal.*
26 USC 36.
26 USC 143.

(3) Section 36 (relating to credits not allowed to individuals taking standard deduction) is hereby repealed.

(4) Section 143 (relating to determination of marital status) is amended by striking out “this part and” each place it appears.

(5) (A) Paragraph (1) of section 57(a) (relating to items of tax preference) is amended by striking out “excess” in the heading and text and inserting in lieu thereof “adjusted”. 26 USC 57.

(B) The heading of subsection (b) of section 57, and so much of paragraph (1) of such subsection as precedes subparagraph (A), are each amended by striking out “excess” and inserting in lieu thereof “adjusted”.

(C) Paragraph (1) of section 57(b) is amended—

(i) by striking out subparagraph (B), and

(ii) by redesignating subparagraphs (C) through (E) as subparagraphs (B) through (D), respectively.

(6) Paragraph (1) of section 511(b) (relating to tax on unrelated business income of charitable, etc., trusts) is amended by striking out “section 1(d)” and inserting in lieu thereof “section 1(e)”. 26 USC 511.

(7) Subsection (d) of section 584 (relating to common trust funds) is amended— 26 USC 584.

(A) by inserting “and” at the end of paragraph (2),

(B) by striking out “; and” at the end of paragraph (3) and inserting in lieu thereof a period, and

(C) by striking out paragraph (4).

26 USC 641.

Ante, p. 131.

26 USC 642.

(8) Subsection (a) of section 641 (relating to imposition of tax for estates and trusts) is amended by striking out "section 1(d)" and inserting in lieu thereof "section 1(e)".

(9) Subsection (k) of section 642 (relating to special rules for credits and deductions of estate or trust) is amended to read as follows:

"(k) CROSS REFERENCE.—

"For special rule for determining the time of receipt of dividends by a beneficiary under section 652 or 662, see section 116(c)(3)."

26 USC 703.

(10) Subsection (a)(2) of section 703 (relating to partnership income and deductions) is amended—

(A) by striking out subparagraph (A), and

(B) by redesignating subparagraphs (B) through (G) as subparagraphs (A) through (F), respectively.

26 USC 873.

(11) Subsection (c) of section 873 (relating to deductions in the case of nonresident alien individuals) is amended to read as follows:

"(c) CROSS REFERENCE.—

"For rule that certain foreign taxes are not to be taken into account in determining deduction or credit, see section 906(b)(1)."

Repeal.

26 USC 931.

(12) Paragraph (3) of section 931(d) (relating to deductions in computing income from sources within possessions of the United States) is hereby repealed.

26 USC 6014.

(13) Subsection (a) of section 6014 (relating to tax not computed by taxpayer) is amended—

(A) by striking out "entitled to take" through "section 141(e)" in the first sentence thereof and inserting in lieu thereof "who does not itemize his deductions and who does not have an unused zero bracket amount (determined under section 63(e))", and

Post, p. 135.

(B) by striking out "and shall constitute an election to take the standard deduction" in the second sentence thereof.

26 USC 6014.

(14) Paragraph (4) of section 6014(b) (relating to regulations) is amended to read as follows:

"(4) to cases where the taxpayer itemizes his deductions or has an unused zero bracket amount."

26 USC 6212.

(15) Subparagraph (A) of section 6212(c)(2) (relating to further deficiency letters restricted) is amended to read as follows:

"(A) Deficiency attributable to change of treatment with respect to itemized deductions and zero bracket amount, see section 63(g)(5)."

26 USC 6504.

(16) Paragraph (2) of section 6504 (relating to cross references) is amended to read as follows:

"(2) Change of treatment with respect to itemized deductions and zero bracket amount where taxpayer and his spouse make separate returns, see section 63(g)(5)."

(e) CLERICAL AMENDMENTS.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 (relating to credits allowable against tax) is amended by striking out the item relating to section 36.

(2) The heading and table of sections for part IV of subchapter B of chapter 1 (relating to standard deduction for individuals) are amended to read as follows:

“PART IV—DETERMINATION OF MARITAL STATUS

“Sec. 143. Determination of marital status.”

(3) The table of parts for subchapter B of chapter 1 (relating to computation of taxable income) is amended by striking out the item relating to part IV and inserting in lieu thereof the following:

“Part IV. Determination of marital status.”

SEC. 102. CHANGE IN DEFINITION OF TAXABLE INCOME TO REFLECT CHANGE IN TAX RATES AND TABLES.

(a) **TAXABLE INCOME DEFINED.**—Section 63 (defining taxable income) is amended to read as follows:

“SEC. 63. TAXABLE INCOME DEFINED.

“(a) **CORPORATIONS.**—For purposes of this subtitle, in the case of a corporation, the term ‘taxable income’ means gross income minus the deductions allowed by this chapter.

“(b) **INDIVIDUALS.**—For purposes of this subtitle, in the case of an individual, the term ‘taxable income’ means adjusted gross income—

“(1) reduced by the sum of—

“(A) the excess itemized deductions, and

“(B) the deductions for personal exemptions provided by section 151, and

“(2) increased (in the case of an individual for whom an unused zero bracket amount computation is provided by subsection (e)) by the unused zero bracket amount (if any).

“(c) **EXCESS ITEMIZED DEDUCTIONS.**—For purposes of this subtitle, the term ‘excess itemized deductions’ means the excess (if any) of—

“(1) the itemized deductions, over

“(2) the zero bracket amount.

“(d) **ZERO BRACKET AMOUNT.**—For purposes of this subtitle, the term ‘zero bracket amount’ means—

“(1) \$3,200 in the case of—

“(A) a joint return under section 6013, or

“(B) a surviving spouse (as defined in section 2(a)),

“(2) \$2,200 in the case of an individual who is not married and who is not a surviving spouse (as so defined),

“(3) \$1,600 in the case of a married individual filing a separate return, or

“(4) zero in any other case.

“(e) **UNUSED ZERO BRACKET AMOUNT.**—

“(1) **INDIVIDUALS FOR WHOM COMPUTATION MUST BE MADE.**—A computation for the taxable year shall be made under this subsection for the following individuals:

“(A) a married individual filing a separate return where either spouse itemizes deductions,

“(B) a nonresident alien individual,

“(C) a citizen of the United States entitled to the benefits of section 931 (relating to income from sources within possessions of the United States), and

“(D) an individual with respect to whom a deduction under section 151(e) is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual’s taxable year begins.

“Excess itemized deductions.”

“Zero bracket amount.”

“(2) COMPUTATION.—For purposes of this subtitle, an individual's unused zero bracket amount for the taxable year is an amount equal to the excess (if any) of—

“(A) the zero bracket amount, over

“(B) the itemized deductions.

In the case of an individual referred to in paragraph (1)(D), if such individual's earned income (as defined in section 911(b)) exceeds the itemized deductions, such earned income shall be substituted for the itemized deductions in subparagraph (B).

“Itemized
deductions.”

“(f) ITEMIZED DEDUCTIONS.—For purposes of this subtitle, the term ‘itemized deductions’ means the deductions allowable by this chapter other than—

“(1) the deductions allowable in arriving at adjusted gross income, and

“(2) the deductions for personal exemptions provided by section 151.

“(g) ELECTION TO ITEMIZE.—

“(1) IN GENERAL.—Unless an individual makes an election under this subsection for the taxable year, no itemized deduction shall be allowed for the taxable year. For purposes of this subtitle, the determination of whether a deduction is allowable under this chapter shall be made without regard to the preceding sentence.

“(2) WHO MAY ELECT.—Except as provided in paragraph (3), an individual may make an election under this subsection for the taxable year only if such individual's itemized deductions exceed the zero bracket amount.

“(3) CERTAIN INDIVIDUALS TREATED AS ELECTING TO ITEMIZE.—An individual who has an unused zero bracket amount (as determined under subsection (e)(2)) shall be treated as having made an election under this subsection for the taxable year.

“(4) TIME AND MANNER OF ELECTION.—Any election under this subsection shall be made on the taxpayer's return, and the Secretary shall prescribe the manner of signifying such election on the return.

“(5) CHANGE OF TREATMENT.—Under regulations prescribed by the Secretary, a change of treatment with respect to the zero bracket amount and itemized deductions for any taxable year may be made after the filing of the return for such year. If the spouse of the taxpayer filed a separate return for any taxable year corresponding to the taxable year of the taxpayer, the change shall not be allowed unless, in accordance with such regulations—

“(A) the spouse makes a change of treatment with respect to the zero bracket amount and itemized deductions, for the taxable year covered in such separate return, consistent with the change of treatment sought by the taxpayer, and

“(B) the taxpayer and his spouse consent in writing to the assessment, within such period as may be agreed on with the Secretary, of any deficiency, to the extent attributable to such change of treatment, even though at the time of the filing of such consent the assessment of such deficiency would otherwise be prevented by the operation of any law or rule of law.

This paragraph shall not apply if the tax liability of the taxpayer's spouse, for the taxable year corresponding to the taxable year of the taxpayer, has been compromised under section 7122.

“(h) MARITAL STATUS.—For purposes of this section, marital status shall be determined under section 143.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 161 (relating to allowance of deductions) is amended by striking out “section 63(a)” and inserting in lieu thereof “section 63”. 26 USC 161. *Ante*, p. 135.

(2) Subsection (d) of section 172 (relating to modifications in determining net operating loss) is amended by adding at the end thereof the following new paragraph: 26 USC 172.

“(8) ZERO BRACKET AMOUNT.—In the case of a taxpayer other than a corporation, the zero bracket amount shall be treated as a deduction allowed by this chapter. For purposes of subsection (c)—

“(A) the deduction provided by the preceding sentence shall be in lieu of any itemized deductions of the taxpayer, and

“(B) such sentence shall not apply to an individual who elects to itemize deductions.”.

(3) Section 211 (relating to allowance of deductions) is amended by striking out “section 63(a)” and inserting in lieu thereof “section 63”. 26 USC 211.

(4) Subparagraph (C) of section 402(e) (1) (relating to imposition of separate tax on lump sum distributions) is amended by striking out “amount equal to one-tenth of the excess of” and inserting in lieu thereof “amount equal to \$2,200 plus one-tenth of the excess of”. 26 USC 402.

(5) Clause (iii) of section 441(f) (2) (B) (relating to change in accounting period) is amended to read as follows: 26 USC 441.

“(iii) if such change results in a short period to which subsection (b) of section 443 applies, the taxable income for such short period shall be placed on an annual basis for purposes of such subsection by multiplying the gross income for such short period (minus the deductions allowed by this chapter for the short period, but only the adjusted amount of the deductions for personal exemptions as described in section 443(c)) by 365, by dividing the result by the number of days in the short period, and by adding the zero bracket amount, and the tax shall be the same part of the tax computed on the annual basis as the number of days in the short period is of 365 days.” *Infra*.

(6) Paragraph (1) of section 443(b) (relating to computation of tax on change of annual accounting period) is amended to read as follows: 26 USC 443.

“(1) GENERAL RULE.—If a return is made under paragraph (1) of subsection (a), the taxable income for the short period shall be placed on an annual basis by multiplying the gross income for such short period (minus the deductions allowed by this chapter for the short period, but only the adjusted amount of the deductions for personal exemptions) by 12, dividing the result by the number of months in the short period, and adding the zero bracket

amount. The tax shall be the same part of the tax computed on the annual basis as the number of months in the short period is of 12 months."

26 USC 613A.

(7) Paragraph (1) of section 613A(d) (relating to limitation on percentage depletion based on taxable income) is amended by inserting "(reduced in the case of an individual by the zero bracket amount)" after "the taxpayer's taxable income".

26 USC 667.

(8) Paragraph (2) of section 667(b) (relating to tax on amount deemed distributed by trust in preceding years) is amended to read as follows:

"(2) TREATMENT OF LOSS YEARS.—For purposes of paragraph (1), the taxable income of the beneficiary for any taxable year shall be deemed to be not less than—

"(A) in the case of a beneficiary who is an individual, the zero bracket amount for such year, or

"(B) in the case of a beneficiary who is a corporation, zero."

26 USC 861.

(9) Subsection (b) of section 861 (relating to income from sources within the United States) is amended by adding at the end thereof the following new sentence: "In the case of an individual who does not itemize deductions, an amount equal to the zero bracket amount shall be considered a deduction which cannot definitely be allocated to some item or class of gross income."

26 USC 862.

(10) Subsection (b) of section 862 (relating to income from sources without the United States) is amended by adding at the end thereof the following new sentence: "In the case of an individual who does not itemize deductions, an amount equal to the zero bracket amount shall be considered a deduction which cannot definitely be allocated to some item or class of gross income."

26 USC 904.

(11) Subsection (a) of section 904 (relating to limitation on foreign tax credit) is amended by adding at the end thereof the following new sentence: "For purposes of the preceding sentence, in the case of an individual the entire taxable income shall be reduced by an amount equal to the zero bracket amount."

26 USC 911.

(12) Subparagraph (B) of section 911(d)(1) (relating to computation of tax where there is earned income from sources without the United States) is amended to read as follows:

Ante, p. 127.

"(B) the tax imposed by section 1 or section 1201 (whichever is applicable) on the sum of—

"(i) the amount of net excluded earned income, and

"(ii) the zero bracket amount."

26 USC 1034.

(13) Clause (i) of section 1034(b)(2)(C) (relating to limitations on sales price adjustment) is amended by striking out "section 63(a)" and inserting in lieu thereof "section 63".

Ante, p. 135.

26 USC 1211.

(14) Subparagraph (A) of section 1211(b)(1) (relating to limitation on capital losses) is amended to read as follows:

"(A) the taxable income for the taxable year reduced (but not below zero) by the zero bracket amount,".

26 USC 1302.

(15) Section 1302(b) (defining average base period income) is amended by adding at the end thereof the following new paragraph:

"(3) TRANSITIONAL RULE FOR DETERMINING BASE PERIOD INCOME.—The base period income (determined under paragraph (2)) for any taxable year beginning before January 1, 1977, shall be increased by the amount of the taxpayer's zero bracket amount for the computation year."

(16) Subparagraph (A) of section 6654(d)(2) (relating to annualized taxable income) is amended to read as follows:

“(A) The taxable income shall be placed on an annualized basis under regulations prescribed by the Secretary.”.

SEC. 103. EXTENSION OF INDIVIDUAL INCOME TAX REDUCTIONS.

(a) **GENERAL TAX CREDIT.**—Section 3(b) of the Revenue Adjustment Act of 1975, as amended by section 401(a) of the Tax Reform Act of 1976, is amended by striking out “December 31, 1977” and inserting in lieu thereof “December 31, 1978”. 26 USC 42 note.

(b) **EARNED INCOME CREDIT.**—Section 209(b) of the Tax Reduction Act of 1975, as amended by section 401(c) of the Tax Reform Act of 1976, is amended by striking out “January 1, 1978” and inserting in lieu thereof “January 1, 1979”. 26 USC 43 note.

(c) **TECHNICAL AMENDMENT.**—Subsection (e) of section 401 of the Tax Reform Act of 1976 is amended by striking out the first sentence and inserting in lieu thereof the following new sentences: “The amendments made by subsection (a) shall apply to taxable years ending after December 31, 1975, and shall cease to apply to taxable years ending after December 31, 1978. The amendments made by subsection (c) shall apply to taxable years ending after December 31, 1975, and shall cease to apply to taxable years beginning after December 31, 1978.” 26 USC 42 note.

SEC. 104. CHANGE IN FILING REQUIREMENTS.

Paragraph (1) of section 6012(a) (relating to persons required to make returns of income) is amended to read as follows: 26 USC 6012.

“(1)(A) Every individual having for the taxable year a gross income of \$750 or more, except that a return shall not be required of an individual (other than an individual described in subparagraph (C))—

“(i) who is not married (determined by applying section 143), is not a surviving spouse (as defined in section 2(a)), and for the taxable year has a gross income of less than \$2,950,

“(ii) who is a surviving spouse (as so defined) and for the taxable year has a gross income of less than \$3,950, or

“(iii) who is entitled to make a joint return under section 6013 and whose gross income, when combined with the gross income of his spouse, is, for the taxable year, less than \$4,700, but only if such individual and his spouse, at the close of the taxable year, had the same household as their home.

Clause (iii) shall not apply if for the taxable year such spouse makes a separate return or any other taxpayer is entitled to an exemption for such spouse under section 151(e).

“(B) The amount specified in clause (i) or (ii) of subparagraph (A) shall be increased by \$750 in the case of an individual entitled to an additional personal exemption under section 151(c)(1), and the amount specified in clause (iii) of subparagraph (A) shall be increased by \$750 for each additional personal exemption to which the individual or his spouse is entitled under section 151(c).

“(C) The exception under subparagraph (A) shall not apply to—

“(i) a nonresident alien individual;

“(ii) a citizen of the United States entitled to the benefits of section 931;

“(iii) an individual making a return under section 443(a)(1) for a period of less than 12 months on account of a change in his annual accounting period,

Ante, p. 135.

“(iv) an individual who has income (other than earned income) of \$750 or more and who is described in section 63(e)(1)(D); or

“(v) an estate or trust.”

SEC. 105. WITHHOLDING TAX.

26 USC 3402.

(a) **IN GENERAL.**—Subsection (a) of section 3402 (relating to income taxes collected at source) is amended to read as follows:

“(a) **REQUIREMENT OF WITHHOLDING.**—Except as otherwise provided in this section, every employer making payment of wages shall deduct and withhold upon such wages a tax determined in accordance with tables prescribed by the Secretary. With respect to wages paid after May 31, 1977, and before January 1, 1979, the tables so prescribed shall be the same as the tables prescribed under this subsection which were in effect on January 1, 1976; except that such tables shall be modified to the extent necessary so that, had they been in effect for all of 1977, they would reflect the full year effect of the amendments made by sections 101 and 102 of the Tax Reduction and Simplification Act of 1977. With respect to wages paid after December 31, 1978, the tables so prescribed shall be the same as the tables prescribed under this subsection which were in effect on January 1, 1975, except that such tables shall be modified to the extent necessary to reflect the amendments made by sections 101 and 102 of the Tax Reduction and Simplification Act of 1977. For purposes of applying such tables, the term ‘the amount of wages’ means the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in the table prescribed under subsection (b)(1).”

26 USC 3402.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) Paragraph (1) of section 3402(f) (relating to withholding exemptions) is amended—

(A) by striking out “a standard deduction” in subparagraph (G) and inserting in lieu thereof “a zero bracket”, and

(B) by striking out “standard deduction” in the sentence following subparagraph (G) and inserting in lieu thereof “zero bracket”.

(2) Subparagraph (B) of section 3402(m)(1) (relating to withholding allowances based on itemized deductions) is amended to read as follows:

“(B) an amount equal to \$3,200 (\$2,200 in the case of an individual who is not married (within the meaning of section 143) and who is not a surviving spouse (as defined in section 2(a))).”

(3) Section 3402(m)(2) (relating to definitions) is amended—

(A) by striking out “sections 141 and” in subparagraph (A) and inserting in lieu thereof “section”,

(B) by striking out “(or the amount of the standard deduction)” in subparagraph (A) and inserting in lieu thereof “(or the zero bracket amount (within the meaning of section 63(d)))”, and

(C) by striking out “(or the standard deduction)” in subparagraph (C) and inserting in lieu thereof “(or the zero bracket amount)”.

SEC. 106. EFFECTIVE DATES.

- (a) **GENERAL RULE.**—The amendments made by sections 101, 102, and 104 shall apply to taxable years beginning after December 31, 1976. 26 USC 1 note.
- (b) **WITHHOLDING AMENDMENTS.**—The amendments made by section 105 shall apply to wages paid after April 30, 1977. 26 USC 3402 note.

TITLE II—REDUCTION IN BUSINESS TAXES

SEC. 201. EXTENSION OF CERTAIN CORPORATE INCOME TAX REDUCTIONS.

The following provisions are each amended by striking out “December 31, 1977” and inserting in lieu thereof “December 31, 1978” and by striking out “January 1, 1978” and inserting in lieu thereof “January 1, 1979”:

- (1) section 11(b) (relating to normal tax); 26 USC 11.
- (2) section 11(d) (relating to surtax exemption);
- (3) section 821(a)(1) (relating to mutual insurance companies); and 26 USC 821.
- (4) section 821(c)(1)(A) (relating to alternative tax for certain small companies).

SEC. 202. NEW JOBS CREDIT.

(a) **IN GENERAL.**—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowable) is amended by inserting after section 44A the following new section:

“SEC. 44B. CREDIT FOR EMPLOYMENT OF CERTAIN NEW EMPLOYEES. 26 USC 44B.

“(a) **GENERAL RULE.**—There shall be allowed as a credit against the tax imposed by this chapter the amount determined under subpart D of this part.

“(b) **REGULATIONS.**—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section and subpart D.”

(b) **RULES FOR COMPUTING CREDIT.**—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end thereof the following new subpart:

“Subpart D—Rules for Computing Credit for Employment of Certain New Employees

“Sec. 51. Amount of credit.

“Sec. 52. Special rules.

“Sec. 53. Limitation based on amount of tax.

“SEC. 51. AMOUNT OF CREDIT.

“(a) **DETERMINATION OF AMOUNT.**—The amount of the credit allowable by section 44B shall be—

- “(1) for a taxable year beginning in 1977, an amount equal to 50 percent of the excess of the aggregate unemployment insurance wages paid during 1977 over 102 percent of the aggregate unemployment insurance wages paid during 1976, and

26 USC 51.

Supra.

“(2) for a taxable year beginning in 1978, an amount equal to 50 percent of the excess of the aggregate unemployment insurance wages paid during 1978 over 102 percent of the aggregate unemployment insurance wages paid during 1977.

“(b) **MINIMUM PRECEDING YEAR WAGES.**—For purposes of determining the amount of the credit under subsection (a) with respect to 1977 or 1978, 102 percent of the amount of the aggregate unemployment insurance wages paid during the preceding calendar year shall be deemed to be not less than 50 percent of the amount of such wages paid during 1977 or 1978, as the case may be.

Ante, p. 141.

“(c) **TOTAL WAGES MUST INCREASE.**—The amount of the credit allowable by section 44B for any taxable year shall not exceed the amount which would be determined for such year under subsection (a) (without regard to subsection (b)) if—

“(1) the aggregate amounts taken into account as unemployment insurance wages were determined without any dollar limitation, and

“(2) ‘105 percent’ were substituted for ‘102 percent’ in the appropriate paragraph of subsection (a).

“(d) **\$100,000 PER YEAR LIMITATION ON CREDIT.**—Except as provided in subsection (e), the amount of the credit determined under this subpart for any employer (and the amount of the credit allowable by section 44B to any taxpayer) with respect to any calendar year shall not exceed \$100,000.

“(e) **ADDITIONAL 10 PERCENT CREDIT FOR VOCATIONAL REHABILITATION REFERRALS.**—

“(1) **IN GENERAL.**—The amount of the credit allowable by section 44B for any taxable year beginning in 1977 or 1978 (determined without regard to this subsection) shall be increased by an amount equal to 10 percent of the unemployment insurance wages paid by the employer to vocational rehabilitation referrals during the calendar year in which such taxable year begins.

“(2) **ONLY FIRST YEAR TAKEN INTO ACCOUNT.**—For purposes of this subsection, unemployment insurance wages may be taken into account with respect to any individual—

“(A) only to the extent attributable to services rendered during the 1-year period beginning with his first payment of wages by the employer after the beginning of such individual’s rehabilitation plan, and

“(B) only if such first payment occurs after December 31, 1976.

“(3) **ONLY FIRST \$4,200 OF WAGES TAKEN INTO ACCOUNT FOR ANY INDIVIDUAL.**—For purposes of this subsection, the unemployment insurance wages paid during 1978 which are taken into account with respect to any individual shall not exceed \$4,200 reduced by the amount of unemployment insurance wages paid by the employer to such individual during 1977.

“(4) **20-PERCENT LIMITATION.**—The amount of the credit allowable by reason of this subsection for any taxable year shall not exceed one-fifth of the credit determined for such year under this section without regard to this subsection and subsection (d).

“(f) **DEFINITIONS.**—For purposes of this subpart—

“(1) **UNEMPLOYMENT INSURANCE WAGES.**—Except as otherwise provided in this subpart, the term ‘unemployment insurance wages’ has the meaning given to the term ‘wages’ by section 3306(b), except that, in the case of amounts paid during 1978, ‘\$4,200’ shall be substituted for ‘\$6,000’ each place it appears in section 3306(b).

“(2) **AGRICULTURAL LABOR.**—If the services performed by any employee for an employer during more than one-half of any pay period (within the meaning of section 3306(d)) taken into account with respect to any calendar year constitute agricultural labor (within the meaning of section 3306(k)), the term ‘unemployment insurance wages’ means, with respect to the remuneration paid by the employer to such employee for such year, an amount equal to so much of such remuneration as constitutes ‘wages’ within the meaning of section 3121(a), except that the contribution and benefit base for each calendar year shall be deemed to be \$4,200.

“(3) **RAILWAY LABOR.**—If more than one-half of the remuneration paid by an employer to an employee during the calendar year is remuneration for service described in section 3306(c)(9), the term ‘unemployment insurance wages’ means, with respect to such employee for such year, an amount equal to $\frac{7}{8}$ of so much of the remuneration paid to such employee during such year as is subject to contributions under section 8(a) of the Railroad Unemployment Insurance Act (45 U.S.C. 358(a)).

“(4) **VOCATIONAL REHABILITATION REFERRAL.**—The term ‘vocational rehabilitation referral’ means any individual who—

“(A) has a physical or mental disability which, for such individual, constitutes or results in a substantial handicap to employment, and

“(B) has been referred to the employer upon completion of (or while receiving) rehabilitative services pursuant to—

“(i) an individualized written rehabilitation plan under a State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973, or

29 USC 701 note.

“(ii) a program of vocational rehabilitation carried out under chapter 31 of title 38, United States Code.

38 USC 1501.

“(g) **RULES FOR APPLICATION OF SECTION.**—For purposes of this subpart—

“(1) **REMUNERATION MUST BE FOR TRADE OR BUSINESS EMPLOYMENT WITHIN UNITED STATES.**—Remuneration paid by an employer to an employee during any calendar year shall be taken into account only if more than one-half of the remuneration so paid is for services performed in the United States in a trade or business of the employer.

“(2) **SPECIAL RULE FOR CERTAIN DETERMINATIONS.**—Any determination as to whether paragraph (1) of this subsection, or paragraph (2) or (3) of subsection (f), applies with respect to any employee for any calendar year shall be made without regard to subsections (a) and (b) of section 52.

“SEC. 52. SPECIAL RULES.

26 USC 52.

“(a) **CONTROLLED GROUP OF CORPORATIONS.**—For purposes of this subpart, all employees of all corporations which are members of the same controlled group of corporations shall be treated as employed by

Ante, p. 141.

"Controlled
group of
corporations."

a single employer. In any such case, the credit (if any) allowable by section 44B to each such member shall be its proportionate contribution to the increase in unemployment insurance wages giving rise to such credit. For purposes of this subsection, the term 'controlled group of corporations' has the meaning given to such term by section 1563 (a), except that—

"(1) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563 (a) (1), and

"(2) the determination shall be made without regard to subsections (a) (4) and (e) (3) (C) of section 1563.

Regulations.

"(b) EMPLOYEES OF PARTNERSHIPS, PROPRIETORSHIPS, ETC., WHICH ARE UNDER COMMON CONTROL.—For purposes of this subpart, under regulations prescribed by the Secretary—

"(1) all employees of trades or business (whether or not incorporated) which are under common control shall be treated as employed by a single employer, and

"(2) the credit (if any) allowable by section 44B with respect to each trade or business shall be its proportionate contribution to the increase in unemployment insurance wages giving rise to such credit.

The regulations prescribed under this subsection shall be based on principles similar to the principles which apply in the case of subsection (a).

Regulations.

"(c) ADJUSTMENTS FOR CERTAIN ACQUISITIONS, ETC.—Under regulations prescribed by the Secretary—

"(1) ACQUISITIONS.—If, after December 31, 1975, an employer acquires the major portion of a trade or business of another person (hereinafter in this paragraph referred to as the 'predecessor') or the major portion of a separate unit of a trade or business of a predecessor, then, for purposes of applying this subpart for any calendar year ending after such acquisition, the amount of unemployment insurance wages deemed paid by the employer during periods before such acquisition shall be increased by so much of such wages paid by the predecessor with respect to the acquired trade or business as is attributable to the portion of such trade or business acquired by the employer.

"(2) DISPOSITIONS.—If, after December 31, 1975—

"(A) an employer disposes of the major portion of any trade or business of the employer or the major portion of a separate unit of a trade or business of the employer in a transaction to which paragraph (1) applies, and

"(B) the employer furnishes the acquiring person such information as is necessary for the application of paragraph (1),

then, for purposes of applying this subpart for any calendar year ending after such disposition, the amount of unemployment insurance wages deemed paid by the employer during periods before such disposition shall be decreased by so much of such wages as is attributable to such trade or business or separate unit.

"(d) TAX-EXEMPT ORGANIZATIONS.—No credit shall be allowed under section 44B to any organization (other than a cooperative described in section 521) which is exempt from income tax under this chapter.

“(e) CHANGE IN STATUS FROM SELF-EMPLOYED TO EMPLOYEE.—If—

“(1) during 1976 or 1977 an individual has net earnings from self-employment (as defined in section 1402(a)) which are attributable to a trade or business, and

“(2) for any portion of the succeeding calendar year such individual is an employee of such trade or business,

then, for purposes of determining the credit allowable for a taxable year beginning in such succeeding calendar year, the employer's aggregate unemployment insurance wages for 1976 or 1977, as the case may be, shall be increased by an amount equal to so much of the net earnings referred to in paragraph (1) as does not exceed \$4,200.

“(f) SUBCHAPTER S CORPORATIONS.—In the case of an electing small business corporation (as defined in section 1371)—

“(1) the amount of the credit determined under this subpart for any taxable year shall be apportioned pro rata among the persons who are shareholders of such corporation on the last day of such taxable year, and

“(2) any person to whom an amount is apportioned under paragraph (1) shall be allowed, subject to section 53, a credit under section 44B for such amount.

Ante, p. 141.

“(g) ESTATES AND TRUSTS.—In the case of an estate or trust—

“(1) the amount of the credit determined under this subpart for any taxable year shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each,

“(2) any beneficiary to whom any amount has been apportioned under paragraph (1) shall be allowed, subject to section 53, a credit under section 44B for such amount, and

“(3) the \$100,000 amount specified in section 51(d) applicable to such estate or trust shall be reduced to an amount which bears the same ratio to \$100,000 as the portion of the credit allocable to the estate or trust under paragraph (1) bears to the entire amount of such credit.

“(h) LIMITATIONS WITH RESPECT TO CERTAIN PERSONS.—Under regulations prescribed by the Secretary, in the case of—

Regulations.

“(1) an organization to which section 593 (relating to reserves for losses on loans) applies,

“(2) a regulated investment company or a real estate investment trust subject to taxation under subchapter M (section 851 and following), and

“(3) a cooperative organization described in section 1381(a), rules similar to the rules provided in section 46(e) shall apply in determining the amount of the credit under this subpart.

“(i) \$50,000 LIMITATION IN THE CASE OF MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—In the case of a husband or wife who files a separate return, the limitation under section 51(d) shall be \$50,000 in lieu of \$100,000. This subsection shall not apply if the spouse of the taxpayer has no interest in a trade or business for the taxable year of such spouse which ends within or with the taxpayer's taxable year.

“(j) CERTAIN SHORT TAXABLE YEARS.—If the employer has more than one taxable year beginning in 1977 or 1978, the credit under this subpart shall be determined for the employer's last taxable year beginning in 1977 or 1978, as the case may be.

26 USC 53.

"SEC. 53. LIMITATION BASED ON AMOUNT OF TAX.*Ante*, p. 141.

"(a) **GENERAL RULE.**—Notwithstanding section 51, the amount of the credit allowed by section 44B for the taxable year shall not exceed the amount of the tax imposed by this chapter for the taxable year, reduced by the sum of the credits allowable under—

"(1) section 33 (relating to foreign tax credit),

"(2) section 37 (relating to credit for the elderly),

"(3) section 38 (relating to investment in certain depreciable property),

"(4) section 40 (relating to expenses of work incentive programs),

"(5) section 41 (relating to contributions to candidates for public office),

Ante, p. 132.

"(6) section 42 (relating to general tax credit), and

"(7) section 44A (relating to expenses for household and dependent care services necessary for gainful employment).

For purposes of this subsection, any tax imposed for the taxable year by section 56 (relating to minimum tax for tax preferences), section 72(m) (5) (B) (relating to 10 percent tax on premature distributions to owner-employees), section 408(f) (relating to additional tax on income from certain retirement accounts), section 402(e) (relating to tax on lump-sum distributions), section 531 (relating to accumulated earnings tax), section 541 (relating to personal holding company tax), or section 1378 (relating to tax on certain capital gains of subchapter S corporations), and any additional tax imposed for the taxable year by section 1351(d) (1) (relating to recoveries of foreign expropriation losses), shall not be considered tax imposed by this chapter for such year.

"(b) **SPECIAL RULE FOR PASS-THRU OF CREDIT.**—In the case of a partner in a partnership, a beneficiary of an estate or trust, and a shareholder in a subchapter S corporation, the limitation provided by subsection (a) for the taxable year shall not exceed a limitation separately computed with respect to such person's interest in such entity by taking an amount which bears the same relationship to such limitation as—

"(1) that portion of the person's taxable income which is allocable or apportionable to the person's interest in such entity, bears to

Ante, p. 135.

"(2) the person's taxable income for such year reduced by his zero bracket amount (determined under section 63(d)), if any.

"(c) **CARRYBACK AND CARRYOVER OF UNUSED CREDIT.**—

Ante, p. 141.

"(1) **ALLOWANCE OF CREDIT.**—If the amount of the credit determined under section 51 for any taxable year exceeds the limitation provided by subsection (a) for such taxable year (hereinafter in this subsection referred to as the 'unused credit year'), such excess shall be—

"(A) a new employee credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(B) a new employee credit carryover to each of the 7 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit by section 44B for such years. If any portion of such excess is a carryback to a taxable year beginning before January 1, 1977, section 44B shall be deemed to have been in effect for such taxable year for purposes

of allowing such carryback as a credit under such section. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 10 taxable years to which (by reason of subparagraphs (A) and (B)) such credit may be carried, and then to each of the other 9 taxable years to the extent that, because of the limitation contained in paragraph (2), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

“(2) **LIMITATION.**—The amount of the unused credit which may be added under paragraph (1) for any preceding or succeeding taxable year shall not exceed the amount by which the limitation provided by subsection (a) for such taxable year exceeds the sum of—

“(A) the credit allowable under section 44B for such taxable year, and

Ante, p. 141.

“(B) the amounts which, by reason of this subsection, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.”

(c) **DEDUCTION FOR WAGES PAID REDUCED BY AMOUNT OF CREDIT.**—

(1) **IN GENERAL.**—Part IX of subchapter B of chapter 1 (relating to items not deductible) is amended by adding at the end thereof the following new section:

“**SEC. 280C. PORTION OF WAGES FOR WHICH CREDIT IS CLAIMED UNDER SECTION 44B.**

26 USC 280C.

“No deduction shall be allowed for that portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under section 44B (relating to credit for employment of certain new employees) determined without regard to the provisions of section 53 (relating to limitation based on amount of tax). In the case of a corporation which is a member of a controlled group of corporations (within the meaning of section 52(a)) or a trade or business which is treated as being under common control with other trades or businesses (within the meaning of section 52(b)), this section shall be applied under rules prescribed by the Secretary similar to the rules applicable under subsections (a) and (b) of section 52.”

Ante, p. 146.

Ante, p. 143.

(2) **CLERICAL AMENDMENT.**—The table of sections for such part is amended by adding at the end thereof the following new item:

“Sec. 280C. Portion of wages for which credit is claimed under section 44B.”

(d) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **CLERICAL AMENDMENTS.**—

(A) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 44A the following new item:

“Sec. 44B. Credit for employment of certain new employees.”

(B) The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end thereof the following new item:

“Subpart D. Rules for computing credit for employment of certain new employees.”

(2) MINIMUM TAX.—

26 USC 56.

(A) Section 56(c) (defining regular tax deduction) is amended by striking out “and” at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof “, and”, and by adding at the end thereof the following new paragraph:

Ante, p. 141.

“(9) section 44B (relating to credit for employment of certain new employees).”

(B) Subparagraph (A) of section 56(e)(1) (relating to tax carryover for timber) is amended—

- (i) by striking out “and” at the end of clause (ii),
- (ii) by striking out “exceed” at the end of clause (iii) and inserting in lieu thereof “and”, and
- (iii) by inserting after clause (iii) the following new clause:

“(iv) section 44B (relating to credit for employment of certain new employees), exceed”.

(3) CORPORATE REORGANIZATIONS.—

26 USC 381.

(A) Subsection (c) of section 381 (relating to items of the distributor or transferor corporation) is amended by adding at the end thereof the following new paragraph:

“(26) CREDIT UNDER SECTION 44B FOR EMPLOYMENT OF CERTAIN NEW EMPLOYEES.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 44B, and under such regulations as may be prescribed by the Secretary) the items required to be taken into account for purposes of section 44B in respect of the distributor or transferor corporation.”

26 USC 383.

(B) Section 383 (relating to special limitations on unused investment credits, work incentive program credits, foreign taxes, and capital losses), as in effect for taxable years beginning after June 30, 1978, is amended—

Ante, p. 146.

(i) by inserting “to any unused new employee credit of the corporation under section 53(c),” after “section 50A(b),”; and

(ii) by striking out “**WORK INCENTIVE PROGRAM CREDITS,**” in the section heading and inserting in lieu thereof “**WORK INCENTIVE PROGRAM CREDITS, NEW EMPLOYEE CREDITS,**”.

(C) Section 383 (as in effect on the day before the date of the enactment of the Tax Reform Act of 1976) is amended—

(i) by inserting “to any unused new employee credit of the corporation which could otherwise be carried forward under section 53(c),” after “section 50A(b),”; and

(ii) by striking out “**WORK INCENTIVE PROGRAM CREDITS,**” in the section heading and inserting in lieu thereof “**WORK INCENTIVE PROGRAM CREDITS, NEW EMPLOYEE CREDITS,**”.

(D) The table of sections for part V of subchapter C of chapter 1 is amended by striking out “work incentive program credits,” in the item relating to section 383 and inserting in lieu thereof “work incentive program credits, new employee credits,”.

(4) STATUTES OF LIMITATION AND INTEREST RELATING TO NEW EMPLOYEE CREDIT CARRYBACK.—

(A) ASSESSMENT AND COLLECTION.—Section 6501 (relating to limitations on assessment and collection) is amended by adding at the end thereof the following new subsection: 26 USC 6501.

“(p) NEW EMPLOYEE CREDIT CARRYBACKS.—In the case of a deficiency attributable to the application to the taxpayer of a new employee credit carryback (including deficiencies which may be assessed pursuant to the provisions of section 6213(b)(3)), such deficiency may be assessed at any time before the expiration of the period within which a deficiency for the taxable year of the unused new employee credit which results in such carryback may be assessed, or, with respect to any portion of a new employee credit carryback from a taxable year attributable to a net operating loss carryback, an investment credit carryback, a work incentive program credit carryback, or a capital loss carryback from a subsequent taxable year, at any time before the expiration of the period within which a deficiency for such subsequent taxable year may be assessed.”

(B) CREDIT OR REFUND.—Section 6511(d) (relating to limitations on credit or refund) is amended by adding at the end thereof the following new paragraph: 26 USC 6511.

“(9) SPECIAL PERIOD OF LIMITATION WITH RESPECT TO NEW EMPLOYEE CREDIT CARRYBACKS.—

“(A) PERIOD OF LIMITATIONS.—If the claim for credit or refund relates to an overpayment attributable to a new employee credit carryback, in lieu of the 3-year period of limitation prescribed in subsection (a), the period shall be that period which ends with the expiration of the 15th day of the 40th month (or 39th month, in the case of a corporation) following the end of the taxable year of the unused new employee credit which results in such carryback (or, with respect to any portion of a new employee credit carryback from a taxable year attributable to a net operating loss carryback, an investment credit carryback, a work incentive program credit carryback, or a capital loss carryback from a subsequent taxable year, the period shall be that period which ends with the expiration of the 15th day of the 40th month, or 39th month, in the case of a corporation, following the end of such taxable year) or the period prescribed in subsection (c) in respect of such taxable year, whichever expires later. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in subsection (b)(2) or (c), whichever is applicable, to the extent of the amount of the overpayment attributable to such carryback.

“(B) APPLICABLE RULES.—If the allowance of a credit or refund of an overpayment of tax attributable to a new employee credit carryback is otherwise prevented by the operation of any law or rule of law other than section 7122, relating to compromises, such credit or refund may be allowed or made, if claim therefor is filed within the period provided in subparagraph (A) of this paragraph. In the case of any such claim for credit or refund, the determination by any court, including the Tax Court, in any proceeding in which

the decision of the court has become final shall not be conclusive with respect to the new employee credit, and the effect of such credit, to the extent that such credit is affected by a carryback which was not in issue in such proceeding."

26 USC 6601.

(C) INTEREST ON UNDERPAYMENTS.—Section 6601(d) (relating to income tax reduced by carryback or adjustment for certain unused deductions) is amended by adding at the end thereof the following new paragraph:

Ante, p. 141.

"(5) NEW EMPLOYEE CREDIT CARRYBACK.—If the credit allowed by section 41B for any taxable year is increased by reason of a new employee credit carryback, such increase shall not affect the computation of interest under this section for the period ending with the last day of the taxable year in which the new employee credit carryback arises, or, with respect to any portion of a new employee credit carryback from a taxable year attributable to a net operating loss carryback, an investment credit carryback, a work incentive program credit carryback, or a capital loss carryback from a subsequent taxable year, such increase shall not affect the computation of interest under this section for the period ending with the last day of such subsequent taxable year."

26 USC 6611.

(D) INTEREST ON OVERPAYMENTS.—Section 6611(f) (relating to refund of income tax caused by carryback or adjustment for certain unused deductions) is amended by adding at the end thereof the following new paragraph:

"(5) NEW EMPLOYEE CREDIT CARRYBACK.—For purposes of subsection (a), if any overpayment of tax imposed by subtitle A results from a new employee credit carryback, such overpayment shall be deemed not to have been made before the close of the taxable year in which such new employee credit carryback arises, or, with respect to any portion of a new employee credit carryback from a taxable year attributable to a net operating loss carryback, an investment credit carryback, a work incentive program credit carryback, or a capital loss carryback from a subsequent taxable year, such overpayment shall be deemed not to have been made before the close of such subsequent taxable year."

26 USC 6411.

(5) TENTATIVE CARRYBACK ADJUSTMENTS.—

(A) APPLICATION FOR ADJUSTMENT.—Section 6411 (relating to quick refunds in respect of tentative carryback adjustments) is amended—

(i) by striking out "or unused work incentive program credit" each place it appears in such section and inserting in lieu thereof "unused work incentive program credit, or unused new employee credit",

(ii) by inserting after "section 50A(b)," in the first sentence of subsection (a) "by a new employee credit carryback provided in section 53(c).",

Ante, p. 146.

(iii) by striking out "or a work incentive program carryback from" in the second sentence of subsection (a) and inserting in lieu thereof ", a work incentive program carryback, or a new employee credit carryback from", and

(iv) by striking out "investment credit carryback)" in the second sentence of subsection (a) and inserting in lieu thereof "investment credit carryback, or, in the case

of a new employee credit carryback, to an investment credit carryback or a work incentive program carryback)".

(B) **TENTATIVE CARRYBACK ADJUSTMENT ASSESSMENT PERIOD.**—Section 6501(m) (relating to tentative carryback adjustment assessment period) is amended—

(i) by striking out "or a work incentive program carryback" and inserting in lieu thereof "a work incentive program carryback, or a new employee credit carryback", and

(ii) by striking out "(j), or (o)" each place it appears and inserting in lieu thereof "(j), (o), or (p)".

(6) **DESIGNATION OF INCOME TAX PAYMENT.**—Section 6096(b) (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out "and 44A" and inserting in lieu thereof "44A, and 44B".

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 1976, and to credit carrybacks from such years.

Ante, p. 141.
26 USC 44B
note.

TITLE III—PROVISIONS RELATING TO EFFECTIVE DATES AND OTHER PROVI- SIONS OF THE TAX REFORM ACT OF 1976

SEC. 301. EFFECTIVE DATE OF CHANGES IN THE EXCLUSION FOR SICK PAY.

(a) **IN GENERAL.**—Section 505 of the Tax Reform Act of 1976 (relating to changes in exclusions for sick pay and certain military, etc., disability pensions; certain disability income) is amended by adding at the end thereof the following new subsection:

"(f) **EFFECTIVE DATE FOR SUBSECTION (a).**—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1976."

(b) **CONFORMING AMENDMENTS.**—

(1) Paragraph (1) of section 505(c) of such Act is amended by striking out "1976" and inserting in lieu thereof "1977".

(2) Paragraph (3) of such section 505(c) is amended by inserting "or January 1, 1977," after "January 1, 1976,".

(3) Paragraph (1) of section 505(d) of such Act is amended by striking out "1976" and inserting in lieu thereof "1977".

(4) Paragraph (2) of such section 505(d) is amended by inserting "or December 31, 1976," after "December 31, 1975,".

(5) Subsection (d) of section 505 of such Act is amended by striking out "this subsection" and inserting in lieu thereof "such section 105(d)".

(c) **REVOCATION OF ELECTION.**—Any election made under section 105(d)(7) of the Internal Revenue Code of 1954 or under section 505(d) of the Tax Reform Act of 1976 for a taxable year beginning in 1976 may be revoked (in such manner as may be prescribed by regulations) at any time before the expiration of the period for assessing a deficiency with respect to such taxable year (determined without regard to subsection (d) of this section).

26 USC 105 note.

26 USC 105 note.

26 USC 105.

26 USC 105 note.

26 USC 105 note. (d) **PERIOD FOR ASSESSING DEFICIENCY.**—In the case of any revocation made under subsection (c), the period for assessing a deficiency with respect to any taxable year affected by the revocation shall not expire before the date which is 1 year after the date of the making of the revocation, and, notwithstanding any law or rule of law, such deficiency, to the extent attributable to such revocation, may be assessed at any time during such 1-year period.

26 USC 105 note. (e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 4, 1976, but shall not apply—

(1) with respect to any taxpayer who makes or has made an election under section 105(d)(7) of the Internal Revenue Code of 1954 or under section 505(d) of the Tax Reform Act of 1976 (as such sections were in effect before the enactment of this Act) for a taxable year beginning in 1976, if such election is not revoked under subsection (c) of this section, and

(2) with respect to any taxpayer (other than a taxpayer described in paragraph (1)) who has an annuity starting date at the beginning of a taxable year beginning in 1976 by reason of the amendments made by section 505 of the Tax Reform Act of 1976 (as in effect before the enactment of this Act), unless such person elects (in such manner as the Secretary of the Treasury or his delegate may by regulations prescribe) to have such amendments apply.

SEC. 302. CHANGES IN TREATMENT OF INCOME EARNED ABROAD BY UNITED STATES CITIZENS LIVING OR RESIDING ABROAD.

26 USC 911 note. Subsection (d) of section 1011 of the Tax Reform Act of 1976 is amended by striking out “December 31, 1975” and inserting in lieu thereof “December 31, 1976”.

SEC. 303. UNDERPAYMENTS OF ESTIMATED TAX.

26 USC 6654 note.
26 USC 6654, 6655. No addition to the tax shall be made under section 6654 or 6655 of the Internal Revenue Code of 1954 (relating to failure to pay estimated income tax) for any period before April 16, 1977 (March 16, 1977, in the case of a taxpayer subject to section 6655), with respect to any underpayment, to the extent that such underpayment was created or increased by any provision of the Tax Reform Act of 1976.

SEC. 304. UNDERWITHHOLDING.

26 USC 3402 note.
26 USC 3402. No person shall be liable in respect of any failure to deduct and withhold under section 3402 of the Internal Revenue Code of 1954 (relating to income tax collected at source) on remuneration paid before January 1, 1977, to the extent that the duty to deduct and withhold was created or increased by any provision of the Tax Reform Act of 1976.

26 USC 1 note.

SEC. 305. INTEREST ON UNDERPAYMENTS OF TAX.

26 USC 6601 note.
26 USC 1. No interest shall be payable for any period before April 16, 1977 (March 16, 1977, in the case of a corporation), on any underpayment of a tax imposed by the Internal Revenue Code of 1954, to the extent that such underpayment was created or increased by any provision of the Tax Reform Act of 1976.

SEC. 306. USE OF RESIDENCE AS DAY CARE FACILITY.

26 USC 280A. (a) **IN GENERAL.**—Subsection (c) of section 280A (relating to exceptions for certain business or rental use; limitation on deductions for such use) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

“(4) **USE IN PROVIDING DAY CARE SERVICES.**—

“(A) **IN GENERAL.**—Subsection (a) shall not apply to any item to the extent that such item is allocable to the use of any portion of the dwelling unit on a regular basis in the taxpayer's trade or business of providing day care for children, for individuals who have attained age 65, or for individuals who are physically or mentally incapable of caring for themselves.

“(B) **LICENSING, ETC., REQUIREMENT.**—Subparagraph (A) shall apply to items accruing for a period only if the owner or operator of the trade or business referred to in subparagraph (A)—

“(i) has applied for (and such application has not been rejected),

“(ii) has been granted (and such granting has not been revoked), or

“(iii) is exempt from having, a license, certification, registration, or approval as a day care center or as a family or group day care home under the provisions of any applicable State law. This subparagraph shall apply only to items accruing in periods beginning on or after the first day of the first month which begins more than 90 days after the date of the enactment of the Tax Reduction and Simplification Act of 1977.

“(C) **ALLOCATION FORMULA.**—If a portion of the taxpayer's dwelling unit used for the purposes described in subparagraph (A) is not used exclusively for those purposes, the amount of the expenses attributable to that portion shall not exceed an amount which bears the same ratio to the total amount of the items allocable to such portion as the number of hours the portion is used for such purposes bears to the number of hours the portion is available for use.”

(b) **CONFORMING AMENDMENT.**—Paragraph (5) of section 280A(c) of such Code (as redesignated by subsection (a)) is amended by striking out “paragraph (1) or (2)” and inserting in lieu thereof “paragraph (1), (2), or (4)”. 26 USC 280A.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 1975. 26 USC 280A note.

SEC. 307. STATE LEGISLATORS' TRAVEL EXPENSES AWAY FROM HOME.

Subsections (a) and (d) of section 604 of the Tax Reform Act of 1976 are each amended by striking out “January 1, 1976,” and inserting in lieu thereof “January 1, 1977,”. Subsection (c) of such section is amended by inserting “beginning before January 1, 1976,” after “any taxable year”. 26 USC 162 note.

SEC. 308. TREATMENT OF INTANGIBLE DRILLING COSTS FOR PURPOSES OF THE MINIMUM TAX.

(a) **IN GENERAL.**—Paragraph (11) of section 57(a) (relating to minimum tax) is amended to read as follows: 26 USC 57.

“(11) **INTANGIBLE DRILLING COSTS.**—

“(A) **IN GENERAL.**—With respect to all oil and gas properties of the taxpayer, the amount (if any) by which the amount of the excess intangible drilling costs arising in the taxable year is greater than the amount of the net income of the taxpayer from oil and gas properties for the taxable year.

“(B) **EXCESS INTANGIBLE DRILLING COSTS.**—For purposes of subparagraph (A), the amount of the excess intangible drilling costs arising in the taxable year is the excess of—

“(i) the intangible drilling and development costs described in section 263(c) paid or incurred in connection with oil and gas wells (other than costs incurred in drilling a nonproductive well) allowable under this chapter for the taxable year, over

“(ii) the amount which would have been allowable for the taxable year if such costs had been capitalized and straight line recovery of intangibles (as defined in subsection (d)) had been used with respect to such costs.

“(C) **NET INCOME FROM OIL AND GAS PROPERTIES.**—For purposes of subparagraph (A), the amount of the net income of the taxpayer from oil and gas properties for the taxable year is the excess of—

“(i) the aggregate amount of gross income (within the meaning of section 613(a)) from all oil and gas properties of the taxpayer received or accrued by the taxpayer during the taxable year, over

“(ii) the amount of any deductions allocable to such properties reduced by the excess described in subparagraph (B) for such taxable year.”

26 USC 57 note. (b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1976, and before January 1, 1978.

SEC. 309. TRANSFERS OF PARTIAL INTERESTS IN PROPERTY FOR CONSERVATION PURPOSES.

26 USC 170. (a) **IN GENERAL.**—Clause (iii) of section 170(f)(3)(B) (relating to exceptions from denial of deduction in case of certain contributions of partial interests in property) is amended to read as follows:

“(iii) a lease on, option to purchase, or easement with respect to real property granted in perpetuity to an organization described in subsection (b)(1)(A) exclusively for conservation purposes, or”.

(b) **EFFECTIVE DATES.**—

26 USC 170 note. (1) The amendment made by subsection (a) shall apply with respect to contributions or transfers made after June 13, 1977, and before June 14, 1981.

26 USC 170 note. (2) Paragraph (4) of section 2124(c) of the Tax Reform Act of 1976 is amended by striking out “June 14, 1977” and inserting in lieu thereof “June 14, 1981”.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE WORK INCENTIVE PROGRAM.

42 USC 602 note. (a) **MATCHING FUNDS DISREGARDED.**—The Secretary of Health, Education, and Welfare and the Secretary of Labor are authorized to carry out the work incentive program under title IV of the Social Security Act from the sums appropriated pursuant to this Act without regard to the requirements for non-Federal matching funds contained in sections 402(a)(19)(C), 402(a)(19)(G), 403(a)(3)(A), 403(d), and 435 of the Social Security Act.

42 USC 602, 603, 635.

(b) **AUTHORIZATION.**—There are authorized to be appropriated to carry out the work incentive program under title IV of the Social Security Act, as modified by this Act (in addition to any sums otherwise appropriated pursuant to title IV of such Act), \$435,000,000 for fiscal year 1978 and \$435,000,000 for fiscal year 1979. 42 USC 601.

SEC. 402. RAPID AMORTIZATION OF CHILD CARE FACILITIES.

(a) **RAPID AMORTIZATION OF CHILD CARE FACILITIES.**—

(1) Subsection (c) of section 188 (relating to application of section 188) is amended by striking out “January 1, 1977” and inserting in lieu thereof “January 1, 1982”. 26 USC 188.

(2) Subsection (b) of section 188 (relating to definition of section 188 property) is amended by striking out “as a facility for on-the-job training of employees (or prospective employees) of the taxpayer, or”.

(3) The caption of section 188 is amended by striking out “ON-THE-JOB TRAINING AND”.

(4) The table of sections for part VI of subchapter B of chapter 1 is amended by striking out the item relating to section 188 and inserting in lieu thereof the following new item:

“Sec. 188. Amortization of certain expenditures for child care facilities.”

(5) The caption of paragraph (10) of section 57(a) (relating to items of tax preference) is amended by striking out “ON-THE-JOB TRAINING AND”. 26 USC 57.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to expenditures made after December 31, 1976. 26 USC 188 note.

SEC. 403. ELECTION OF FORMER RETIREMENT INCOME CREDIT PROVISIONS FOR 1976.

A taxpayer may elect (at such time and in such manner as the Secretary of the Treasury or his delegate shall prescribe) to determine the amount of his credit under section 37 of the Internal Revenue Code of 1954 for his first taxable year beginning in 1976 under the provisions of such section as they existed before the amendment made by section 503 of the Tax Reform Act of 1976. 26 USC 37 note.
26 USC 37.
26 USC 37.

SEC. 404. POSTPONEMENT OF EFFECTIVE DATE OF CHANGES MADE BY THE TAX REFORM ACT OF 1976 IN THE METHOD OF ACCOUNTING FOR CERTAIN CORPORATIONS ENGAGED IN FARMING.

Section 207(c)(2) of the Tax Reform Act of 1976 is amended to read as follows: 26 USC 447 note.

“(2) **EFFECTIVE DATES.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the amendments made by paragraph (1) shall apply to taxable years beginning after December 31, 1976.

“(B) **SPECIAL RULE FOR CERTAIN CORPORATIONS.**—In the case of a corporation engaged in the trade or business of farming and with respect to which—

“(i) members of two families (within the meaning of paragraph (1) of section 447(d) of the Internal Revenue Code of 1954, as added by paragraph (1)) owned, on October 4, 1976 (directly or through the application of such section 447(d)), at least 65 percent of the total combined voting power of all classes of stock of such corpo-

ration entitled to vote, and at least 65 percent of the total number of shares of all other classes of stock of such corporation; or

“(ii) members of three families (within the meaning of paragraph (1) of such section 447(d)) owned, on October 4, 1976 (directly or through the application of such section 447(d)), at least 50 percent of the total combined voting power of all classes of stock of such corporation entitled to vote, and at least 50 percent of the total number of shares of all other classes of stock of such corporation; and substantially all of the stock of such corporation which was not so owned (directly or through the application of such section 447(d)), by members of such three families was owned, on October 4, 1976, directly—

“(I) by employees of the corporation or members of the families (within the meaning of section 267(c)(4) of such Code) of such employees, or

“(II) by a trust for the benefit of the employees of such corporation which is described in section 401(a) of such Code and which is exempt from taxation under section 501(a) of such Code,

the amendments made by paragraph (1) shall apply to taxable years beginning after December 31, 1977.”

SEC. 405. WITHHOLDING TAX ON CERTAIN GAMBLING WINNINGS.

26 USC 3402.

(a) **IN GENERAL.**—Subparagraph (C) of section 3402(q)(3) of the Internal Revenue Code of 1954 (relating to sweepstakes, wagering pools, and other lotteries) is amended to read as follows:

“(C) **SWEEPSTAKES, WAGERING POOLS, CERTAIN PARIMUTUEL POOLS, JAI ALAI, AND LOTTERIES.**—Proceeds of more than \$1,000 from—

“(i) a wager placed in a sweepstakes, wagering pool, or lottery (other than a wager described in subparagraph (B)), or

“(ii) a wagering transaction in a parimutuel pool with respect to horse races, dog races, or jai alai if the amount of such proceeds is at least 300 times as large as the amount wagered.”

26 USC 3402
note.

(b) **EFFECTIVE DATE.**—The amendments made by this section apply to payments made after April 30, 1977.

SEC. 406. TERMINATION OF 1975 SPECIAL PAYMENTS TO CERTAIN INDIVIDUALS.

42 USC 402 note.

Notwithstanding the provisions of section 702(a) of the Tax Reduction Act of 1975, no payment shall, after the date of the enactment of this Act, be made under that section.

42 USC 402 note.

SEC. 407. PAYMENTS TO THE GOVERNMENTS OF AMERICAN SAMOA, GUAM, AND THE VIRGIN ISLANDS.

26 USC 7651
note.

(a) The Secretary of the Treasury is authorized to make separate payments to the government of American Samoa, the government of Guam, and the government of the Virgin Islands. The payment to the government of a particular possession shall be in an amount equal to the loss to that possession with respect to tax returns for the first taxable year beginning after December 31, 1976, by reason of sections 101 and 102 of this Act. Such amount shall be determined by the

Certification.

Secretary of the Treasury upon certification to the Secretary by the United States Government Comptrollers for Guam and the Virgin Islands.

(b) There are hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this section.

Appropriation
authorization.

SEC. 408. WITHHOLDING OF COUNTY INCOME TAX ON FEDERAL EMPLOYEES.

(a) IN GENERAL.—Section 5520 of title 5, United State Code, is amended—

(1) by inserting “or county” after “city” in the heading of such section;

(2) by inserting “or county” after “city” each place it appears in subsections (a) and (b) (other than in subsection (a)(1));

(3) by striking out “the city” in subsection (a)(1) and inserting in lieu thereof “a designated city or county officer, department, or instrumentality”;

(4) by striking out “and” at the end of subsection (c)(1);

(5) by redesignating paragraph (2) of subsection (c) as (4), and by inserting after paragraph (1) of such subsection the following new paragraphs:

Definitions.

“(2) ‘county’ means any unit of local general government which is classified as a county by the Bureau of the Census and within the political boundaries of which 500 or more persons are regularly employed by all agencies of the Federal Government;

“(3) ‘ordinance’ means an ordinance, order, resolution, or similar instrument which is duly adopted and approved by a city or county in accordance with the constitution and statutes of the State in which it is located and which has the force of law within such city or county; and”.

(b) CONFORMING AMENDMENT.—The table of contents of subchapter II of chapter 55 of title 5, United States Code, is amended by inserting “or county” after “city” in the item relating to section 5520.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

5 USC 5520 note.

TITLE V—CERTAIN SOCIAL SECURITY ACT AMENDMENTS

SEC. 501. CLARIFICATION OF GARNISHMENT PROVISIONS.

(a) IN GENERAL.—Section 459 of the Social Security Act is amended—

42 USC 659.

(1) by striking out “(including any agency or instrumentality thereof and any wholly owned Federal Corporation)” and inserting in lieu thereof “or the District of Columbia (including any agency, subdivision, or instrumentality thereof)”; and

(2) by inserting “or the District of Columbia” immediately after “United States” where it appears the second time.

(b) SERVICE OF PROCESS.—Section 459 of such Act is further amended—

(1) by inserting “(a)” immediately after “SEC. 459.”, and

(2) by adding at the end thereof the following new subsections:

“(b) Service of legal process brought for the enforcement of an individual’s obligation to provide child support or make alimony

Infra.

payments shall be accomplished by certified or registered mail, return receipt requested, or by personal service, upon the appropriate agent designated for receipt of such service of process pursuant to regulations promulgated pursuant to section 461 (or, if no agent has been designated for the governmental entity having payment responsibility for the moneys involved, then upon the head of such governmental entity). Such process shall be accompanied by sufficient data to permit prompt identification of the individual and the moneys involved.

“(c) No Federal employee whose duties include responding to interrogatories pursuant to requirements imposed by section 461(b)(3) shall be subject under any law to any disciplinary action or civil or criminal liability or penalty for, or on account of, any disclosure of information made by him in connection with the carrying out of any of his duties which pertain (directly or indirectly) to the answering of any such interrogatory.

Notice.

“(d) Whenever any person, who is designated by law or regulation to accept service of process to which the United States is subject under this section, is effectively served with any such process or with interrogatories relating to an individual's child support or alimony payment obligations, such person shall respond thereto within thirty days (or within such longer period as may be prescribed by applicable State law) after the date effective service thereof is made, and shall, as soon as possible but not later than fifteen days after the date effective service is so made of any such process, send written notice that such process has been so served (together with a copy thereof) to the individual whose moneys are affected thereby at his duty station or last-known home address.

“(e) Governmental entities affected by legal processes served for the enforcement of an individual's child support or alimony payment obligations shall not be required to vary their normal pay and disbursement cycles in order to comply with any such legal process.

“(f) Neither the United States, any disbursing officer, nor governmental entity shall be liable with respect to any payment made from moneys due or payable from the United States to any individual pursuant to legal process regular on its face, if such payment is made in accordance with this section and the regulations issued to carry out this section.”

(c) REGULATIONS.—Part D of title IV of such Act is further amended by adding at the end thereof the following new section:

“REGULATIONS PERTAINING TO GARNISHMENTS

42 USC 661.
Ante, p. 157.

“SEC. 461. (a) Authority to promulgate regulations for the implementation of the provisions of section 459 shall, insofar as the provisions of such section are applicable to moneys due from (or payable by)—

“(1) the executive branch of the Government (including in such branch, for the purposes of this subsection, the territories and possessions of the United States, the United States Postal Service, the Postal Rate Commission, any wholly owned Federal corporation created by an Act of Congress, and the government of the District of Columbia), be vested in the President (or his designee),

“(2) the legislative branch of the Government, be vested jointly in the President *pro tempore* of the Senate and the Speaker of the House of Representatives (or their designees), and

“(3) the judicial branch of the Government, be vested in the Chief Justice of the United States (or his designee).

“(b) Regulations promulgated pursuant to this section shall—

“(1) in the case of those promulgated by the executive branch of the Government, include a requirement that the head of each agency thereof shall cause to be published, in the appendix of the regulations so promulgated, (A) his designation of an agent or agents to accept service of process, identified by title of position, mailing address, and telephone number, and (B) an indication of the data reasonably required in order for the agency promptly to identify the individual with respect to whose moneys the legal process is brought,

“(2) in the case of regulations promulgated for the legislative and judicial branches of the Government set forth, in the appendix to the regulations so promulgated, (A) the name, position, address, and telephone number of the agent or agents who have been designated for service of process, and (B) an indication of the data reasonably required in order for such entity promptly to identify the individual with respect to whose moneys the legal process is brought, and

“(3) provide that (A) in the case of regulations promulgated by the executive branch of the Government, each head of a governmental entity (or his designee) shall respond to relevant interrogatories, if authorized by the law of the State in which legal process will issue, prior to formal issuance of such process, upon a showing of the applicant's entitlement to child support or alimony payments, and (B) in the case of regulations promulgated for the legislative and judicial branches of the Government, the person or persons designated as agents for service of process in accordance with paragraph (2) shall respond to relevant interrogatories if authorized by the law of the State in which legal process will issue, prior to formal issuance of legal process, upon a showing of the applicant's entitlement to child support or alimony payments.

“(c) In the event that a governmental entity, which is authorized under this section or regulations issued to carry out this section to accept service of process, pursuant to the provisions of subsection (a), is served with more than one legal process with respect to the same moneys due or payable to any individual, then such moneys shall be available to satisfy such processes on a first-come, first-served basis, with any such process being satisfied out of such moneys as remain after the satisfaction of all such processes which have been previously served.”

(d) DEFINITIONS.—Part D of title IV of such Act is further amended by adding after section 461 (as added by subsection (c) of this section) the following new section:

“DEFINITIONS

“SEC. 462. For purposes of section 459—

“(a) The term ‘United States’ means the Federal Government of the United States, consisting of the legislative branch, the judicial branch, and the executive branch thereof, and each and every department, agency, or instrumentality of any such branch, including the United States Postal Service, the Postal Rate Commission, any wholly owned Federal corporation created by an Act of Congress, any office,

42 USC 662.

42 USC 659.

commission, bureau, or other administrative subdivision or creature thereof, and the governments of the territories and possessions of the United States.

“(b) The term ‘child support’, when used in reference to the legal obligations of an individual to provide such support, means periodic payments of funds for the support and maintenance of a child or children with respect to which such individual has such an obligation, and (subject to and in accordance with State law) includes but is not limited to, payments to provide for health care, education, recreation, clothing, or to meet other specific needs of such a child or children; such term also includes attorney’s fees, interest, and court costs, when and to the extent that the same are expressly made recoverable as such pursuant to a decree, order, or judgment issued in accordance with applicable State law by a court of competent jurisdiction.

“(c) The term ‘alimony’, when used in reference to the legal obligations of an individual to provide the same, means periodic payments of funds for the support and maintenance of the spouse (or former spouse) of such individual, and (subject to and in accordance with State law) includes but is not limited to, separate maintenance, alimony pendente lite, maintenance, and spousal support; such term also includes attorney’s fees, interest, and court costs when and to the extent that the same are expressly made recoverable as such pursuant to a decree, order, or judgment issued in accordance with applicable State law by a court of competent jurisdiction. Such term does not include any payment or transfer of property or its value by an individual to his spouse or former spouse in compliance with any community property settlement, equitable distribution of property, or other division of property between spouses or former spouses.

“(d) The term ‘private person’ means a person who does not have sovereign or other special immunity or privilege which causes such person not to be subject to legal process.

“(e) The term ‘legal process’ means any writ, order, summons, or other similar process in the nature of garnishment, which—

“(1) is issued by (A) a court of competent jurisdiction within any State, territory, or possession of the United States, (B) a court of competent jurisdiction in any foreign country with which the United States has entered into an agreement which requires the United States to honor such process, or (C) an authorized official pursuant to an order of such a court of competent jurisdiction or pursuant to State or local law, and

“(2) is directed to, and the purpose of which is to compel, a governmental entity, which holds moneys which are otherwise payable to an individual, to make a payment from such moneys to another party in order to satisfy a legal obligation of such individual to provide child support or make alimony payments.

“(f) Entitlement of an individual to any money shall be deemed to be ‘based upon remuneration for employment’, if such money consists of—

“(1) compensation paid or payable for personal services of such individual, whether such compensation is denominated as wages, salary, commission, bonus, pay, or otherwise, and includes but is not limited to, severance pay, sick pay, and incentive pay, but does not include awards for making suggestions, or

“(2) periodic benefits (including a periodic benefit as defined in section 228(h)(3) of this Act) or other payments to such individual under the insurance system established by title II of this

Act or any other system or fund established by the United States (as defined in subsection (a)) which provides for the payment of pensions, retirement or retired pay, annuities, dependents or survivors' benefits, or similar amounts payable on account of personal services performed by himself or any other individual (not including any payment as compensation for death under any Federal program, any payment under any Federal program established to provide 'black lung' benefits, any payment by the Veterans' Administration as pension, or any payments by the Veterans' Administration as compensation for a service-connected disability or death, except any compensation paid by the Veterans' Administration to a former member of the Armed Forces who is in receipt of retired or retainer pay if such former member has waived a portion of his retired pay in order to receive such compensation), and does not consist of amounts paid, by way of reimbursement or otherwise, to such individual by his employer to defray expenses incurred by such individual in carrying out duties associated with his employment.

42 USC 401.

"(g) In determining the amount of any moneys due from, or payable by, the United States to any individual, there shall be excluded amounts which—

"(1) are owed by such individual to the United States,

"(2) are required by law to be, and are, deducted from the remuneration or other payment involved, including but not limited to, Federal employment taxes, and fines and forfeitures ordered by court-martial,

"(3) are properly withheld for Federal, State, or local income tax purposes, if the withholding of such amounts is authorized or required by law and if amounts withheld are not greater than would be the case if such individual claimed all dependents to which he was entitled (the withholding of additional amounts pursuant to section 3402(i) of the Internal Revenue Code of 1954 may be permitted only when such individual presents evidence of a tax obligation which supports the additional withholding),

"(4) are deducted as health insurance premiums,

"(5) are deducted as normal retirement contributions (not including amounts deducted for supplementary coverage), or

"(6) are deducted as normal life insurance premiums from salary or other remuneration for employment (not including amounts deducted for supplementary coverage)."

(e) CONSUMER PROVISIONS.—

(1) Subsection (b) of section 303 of the Consumer Credit Protection Act (15 U.S.C. 1673(b)) is amended—

(A) by inserting "(1)" immediately after "(b)",

(B) by redesignating clauses (1), (2), and (3) thereof as clauses (A), (B), and (C), respectively, and

(C) by adding at the end thereof the following new paragraph:

"(2) The maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment to enforce any order for the support of any person shall not exceed—

"(A) where such individual is supporting his spouse or dependent child (other than a spouse or child with respect to whose support such order is used), 50 per centum of such individual's disposable earnings for that week; and

“(B) where such individual is not supporting such a spouse or dependent child described in clause (A), 60 per centum of such individual’s disposable earnings for that week; except that, with respect to the disposable earnings of any individual for any workweek, the 50 per centum specified in clause (A) shall be deemed to be 55 per centum and the 60 per centum specified in clause (B) shall be deemed to be 65 per centum, if and to the extent that such earnings are subject to garnishment to enforce a support order with respect to a period which is prior to the twelve-week period which ends with the beginning of such workweek.”.

15 USC 1673.

(2) The provision of section 303(b) of the Consumer Credit Protection Act which is redesignated under paragraph (1) as clause (A) is amended by striking out all that follows “any order” and inserting in lieu thereof the following: “for the support of any person issued by a court of competent jurisdiction or in accordance with an administrative procedure, which is established by State law, which affords substantial due process, and which is subject to judicial review.”.

15 USC 1675.

(3) Section 303(c) of such Act is amended by inserting “, and no State (or officer or agency thereof),” immediately after “or any State”.

Effective date.
15 USC 1673
note.

(4) Section 305 of such Act is amended by inserting “and (b) (2)” immediately after “section 303(a)” each place it appears therein.

(5) The amendments made by this subsection shall take effect on the first day of the first calendar month which begins after the date of enactment of this Act.

SEC. 502. BONDING OF CERTAIN STATE OR LOCAL EMPLOYEES; HANDLING OF CASH RECEIPTS.

42 USC 654.

(a) IN GENERAL.—Section 454 of the Social Security Act is amended—

(1) by striking out “and” at the end of paragraph (12),

(2) by striking out the period at the end of paragraph (13) and inserting a semicolon in lieu thereof, and

(3) by adding at the end thereof the following new paragraphs:

“(14) comply with such bonding requirements, for employees who receive, disburse, handle, or have access to, cash, as the Secretary shall by regulations prescribe; and

Regulations.

“(15) maintain methods of administration which are designed to assure that persons responsible for handling cash receipts shall not participate in accounting or operating functions which would permit them to conceal in the accounting records the misuse of cash receipts (except that the Secretary shall by regulations provide for exceptions to this requirement in the case of sparsely populated areas where the hiring of unreasonable additional staff would otherwise be necessary).”.

42 USC 654 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first calendar month which begins after the date of enactment of this Act.

SEC. 503. INCENTIVE PAYMENTS TO STATES AND LOCALITIES.

42 USC 658.

(a) IN GENERAL.—

(1) Section 458(a) of the Social Security Act is amended by striking out “parent—” and all that follows and inserting in lieu thereof “parent an amount equal to 15 per centum of any amount collected and required to be distributed as provided in section 457 to reduce or repay assistance payments.”.

42 USC 657.

(2) Section 458(b) of such Act is amended by striking out “paragraphs (1) and (2) of”. 42 USC 658.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be applicable with respect to amounts collected on and after October 1, 1977. 42 USC 658 note.

SEC. 504. ANNUAL REPORT OF THE SECRETARY.

(a) REPORT.—Section 452(a)(10) of the Social Security Act is amended to read as follows: 42 USC 652.

“(10) not later than three months after the end of each fiscal year, beginning with the year 1977, submit to the Congress a full and complete report on all activities undertaken pursuant to the provisions of this part, which report shall include, but not be limited to, the following: Submittal to Congress.

“(A) total program costs and collections set forth in sufficient detail to show the cost to the States and the Federal Government, the distribution of collections to families, State and local governmental units, and the Federal Government; and an identification of the financial impact of the provisions of this part;

“(B) costs and staff associated with the Office of Child Support Enforcement;

“(C) the number of child support cases in each State during each quarter of the fiscal year last ending before the report is submitted and during each quarter of the preceding fiscal year (including the transitional period beginning July 1, 1976, and ending September 30, 1976, in the case of the first report to which this subparagraph applies), and the disposition of such cases;

“(D) the status of all State plans under this part as of the end of the fiscal year last ending before the report is submitted, together with an explanation of any problems which are delaying or preventing approval of State plans under this part;

“(E) data, by State, on the use of the Federal Parent Locator Service, and the number of locate requests submitted without the absent parent's social security account number;

“(F) the number of cases, by State, in which an applicant for or recipient of aid under a State plan approved under part A has refused to cooperate in identifying and locating the absent parent and the number of cases in which refusal so to cooperate is based on good cause (as determined in accordance with the standards referred to in section 402(a)(26)(B)(ii)); 42 USC 601.

“(G) data, by State, on the use of Federal courts and on use of the Internal Revenue Service for collections, the number of court orders on which collections were made, the number of paternity determinations made and the number of parents located, in sufficient detail to show the cost and benefits to the States and to the Federal Government; and 42 USC 602.

“(H) the major problems encountered which have delayed or prevented implementation of the provisions of this part during the fiscal year last ending prior to the submission of such report.”.

42 USC 652 note. (b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall be effective in the case of reports, submitted by the Secretary of Health, Education, and Welfare, after 1976.

Submittal to Congress. (c) **SUPPLEMENTAL REPORT.**—The Secretary of Health, Education, and Welfare shall submit to the Congress not later than June 30, 1977, a special supplemental report, with respect to activities undertaken pursuant to part D of title IV of the Social Security Act during the

42 USC 651. fiscal year ending June 30, 1976, and during the transitional period beginning July 1, 1976, and ending September 30, 1976. Such report shall, with respect to such transitional period, contain all the data and information specified in clauses (A) through (H) of section 452(a) (10) of such Act (as amended by subsection (a) of this section), and with respect to the fiscal year ending June 30, 1976, contain all such data and information which was not included in the report made by such Secretary to the Congress on June 30, 1976, pursuant to section 452(a) (10) of such Act, as in effect on such date.

42 USC 652.

SEC. 505. CERTAIN AFDC PAYMENTS.

42 USC 603.

For purposes of determining the amount payable to the State of Georgia under section 403(a) of the Social Security Act on account of expenditures made by such State as aid to families with dependent children under its State plan approved under part A of title IV of such Act during calendar quarters, beginning after June 30, 1975, and prior to January 1, 1977, there shall be included as an offset against such expenditures amounts which—

(1) were collected as child support by the State pursuant to a plan approved under part D of such title IV, and

(2) were retained by the State pursuant to, and in accordance with the provisions of, section 457(a) (2) or section 457(b) (1) of such Act.

42 USC 657.

Intergovernmental Antirecession Assistance Act of 1977.

42 USC 6721 note.

TITLE VI—INTERGOVERNMENTAL ANTI-RECESSION ASSISTANCE

SEC. 601. This title may be cited as the “Intergovernmental Antirecession Assistance Act of 1977”.

SEC. 602. (a) Subsection (b) of section 202 of the Public Works Employment Act of 1976 (42 U.S.C. 6722(b)) is amended to read as follows:

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—Subject to the provisions of subsections (c) and (d) of this section, there are authorized to be appropriated for each of the five succeeding calendar quarters (beginning with the calendar quarter which begins on July 1, 1977) for the purpose of payments under this title—

“(1) \$125,000,000, plus

“(2) \$30,000,000 multiplied by the number of whole one-tenth percentage points by which the rate of seasonally adjusted national unemployment for the most recent calendar quarter which ended three months before the beginning of such quarter exceeded 6 per centum.”

(b) Subsection (c) of section 202 of such Act is amended to read as follows:

“(c) **LIMITATION ON AUTHORIZATION.**—In no case shall the aggregate amount authorized to be appropriated under the provisions of subsection (b) of this section for the five successive calendar quarters beginning with the calendar quarter which begins July 1, 1977, exceed \$2,250,000,000.”.

SEC. 603. (a) Section 203(b)(3)(D) of the Public Works Employment Act of 1976 (42 U.S.C. 6723(b)(3)(D)) is amended by striking out “for the one-year period beginning on July 1, 1975” and inserting in lieu thereof “for the most recently completed entitlement period, as defined under section 141(b) of such Act”.

(b) Section 203(c)(1) of such Act is amended by striking out “paragraphs (3) and (5)” and inserting in lieu thereof “paragraph (4)”.

(c) Section 203(c) of such Act is amended by striking out paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4).

(d) Section 203(c)(3)(B) of such Act is amended by—

(1) inserting “or assigned” after the word “determined”; and

(2) striking out the parenthetical phrase and inserting in lieu thereof the following:

“(in the case of a local government for which the Secretary of Labor cannot determine a local unemployment rate, he shall assign such local government the local unemployment rate of the smallest unit or subunit of local government for which he has determined a local unemployment rate and within the jurisdiction of which such local government is located, unless—

“(i) the Governor of the State in which such local government is located has provided the Secretary of Labor with a local unemployment rate for such local government, and

“(ii) the Secretary of Labor finds that such local unemployment rate provided by the Governor has been determined in a manner consistent with the procedures and methodologies used by the Secretary of Labor in determining local unemployment rates,

in which case the Secretary of Labor shall assign such local government the local unemployment rate provided by such Governor)”.

(e) Section 203(c)(3)(C) of such Act is amended by—

(1) striking out “for the one-year period beginning on July 1, 1975” and inserting in lieu thereof “for the most recently completed entitlement period, as defined under section 141(b) of such Act”; and

(2) striking out the parenthetical phrase.

(f) Section 203(c)(3) of such Act is amended by striking out subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(g) Section 203(c)(3)(D)(i) of such Act is amended by striking out “Social and Economic Statistics Administration” and inserting in lieu thereof “Bureau of the Census”.

Determinations.
42 USC 6723.

(h) Section 203(c)(3) of such Act is amended by striking out "For the purpose of paragraph (4)(D), the Secretary of Labor shall, notwithstanding any of the provisions of law, continue to make determinations with respect to the rate of unemployment for the purposes of such title VI."

Repeal.
42 USC 6726.

(i) Section 206 of such Act is repealed.

SEC. 604. Section 204 of the Public Works Employment Act of 1976 (42 U.S.C. 6724) is amended by striking out "and for construction unless such supplies and materials or construction are to maintain basic services" and inserting in lieu thereof "or for construction, except for normal supplies or repairs necessary to maintain basic services".

42 USC 6727.

SEC. 605. Section 207 of the Public Works Employment Act of 1976 (42 U.S.C. 6727) is amended to read as follows:

"NONDISCRIMINATION

"SEC. 207. (a) (1) IN GENERAL.—No person in the United States shall, on the ground of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a State government or unit of local government, which government or unit receives funds made available under this title. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity. Any prohibition against discrimination on the basis of religion, or any exemption, from such prohibition, as provided in the Civil Rights Act of 1964 or title VIII of the Act of April 11, 1968, commonly referred to as Civil Rights Act of 1968, shall also apply to any such program or activity.

42 USC 6101
note.
29 USC 794.

42 USC 2000a
note.
42 USC 3601.

"(2) EXCEPTIONS.—

"(A) FUNDING.—The provisions of paragraph (1) of this subsection shall not apply where any State government or unit of local government demonstrates, by clear and convincing evidence, that the program or activity with respect to which the allegation of discrimination has been made is not funded in whole or in part with funds made available under this title.

"(B) CONSTRUCTION PROJECTS IN PROGRESS.—The provisions of paragraph (1), relating to discrimination on the basis of handicapped status, shall not apply with respect to construction projects commenced prior to January 1, 1977.

"(b) ENFORCEMENT AND REMEDIES.—The provisions of subsection (a) of this section shall be enforced by the Secretary in the same manner and in accordance with the same procedures as are required by sections 122, 124, and 125 of the State and Local Fiscal Assistance Act of 1972 to enforce compliance with section 122(a) of such Act. The Attorney General shall have the same authority, functions, and duties with respect to funds made available under this title as the Attorney General has under sections 122 (g) and (h) and 124(c) of such Act with respect to funds made available under that Act. Any person aggrieved by a violation of subsection (a) of this section shall

31 USC 1242,
1244, 1245.

have the same rights and remedies as a person aggrieved by a violation of subsection (a) of section 122 of such Act, including the rights provided under section 124(c) of such Act.”

SEC. 606. Section 215 of the Public Works Employment Act of 1976 (42 U.S.C. 6735) is amended by adding at the end thereof the following new subsection:

“(c) **ALTERNATIVE METHODS OF ALLOCATION.**—The Secretary shall, in consultation with the Secretary of Commerce, conduct an investigation of—

“(1) the extent to which allocations of funds provided under this Act might be more precisely related to true economic conditions by the use of data on aggregate declines in private real wages and salaries;

“(2) the extent to which other factors, such as relative tax effort, should also be made part of the allocation system provided by this Act; and

“(3) the availability and reliability of data concerning Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands, and the extent to which such territories may properly be made part of the regular allocation system applicable to the several States.

The results of such investigation shall be submitted to the Congress not later than March 1, 1978, in order that such results may be available during congressional consideration of any extension of this Act beyond the fiscal year ending September 30, 1978.”

SEC. 607. Title II of the Public Works Employment Act of 1976 (42 U.S.C. 6721-6735) is amended by adding at the end thereof the following new section:

“**AUTHORIZATION OF APPROPRIATIONS FOR PUERTO RICO, GUAM, AMERICAN SAMOA, AND THE VIRGIN ISLANDS**

“SEC. 216. (a) **IN GENERAL.**—There is hereby authorized to be appropriated for each of the five succeeding calendar quarters (beginning with the calendar quarter which begins on July 1, 1977) for the purpose of making payments under this title to Puerto Rico, Guam, American Samoa, and the Virgin Islands, an amount equal to 1 percent of the amount authorized for each such quarter under section 202(b).

“(b) **ALLOCATIONS.**—

“(1) The Secretary shall allocate from the amount authorized under subsection (a) an amount for the purpose of making payments to such governments equal to the total authorized for the calendar quarter multiplied by the applicable territorial percentage.

“(2) For the purposes of this subsection, the applicable territorial percentage is equal to the quotient resulting from the division of the territorial population by the sum of the territorial population for all territories.

“(3) For purposes of this section—

“(A) The term ‘territory’ means Puerto Rico, Guam, American Samoa, and the Virgin Islands.

31 USC 1242.

31 USC 1244.

Investigation.

Consultation.

Submission to Congress.

42 USC 6736.

42 USC 6722.

Applicable territorial percentage.

“Territory.”

"Territorial
population."

"(B) The term 'territorial population' means the most recent population for each territory as determined by the Bureau of Census.

42 USC
6723-6733.

"(C) The provisions of sections 203(c)(4), 204, 205, 206, 207, 208, 209, 210, 211, 212, and 213 shall apply to the funds authorized under this section.

"(c) PAYMENTS TO LOCAL GOVERNMENTS.—The governments of the territories are authorized to make payments to local governments within their jurisdiction from sums received under this section as they deem appropriate."

Approved May 23, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-27 pt. I (Comm. on Ways and Means), and No. 95-27 pt. II (Comm. on Appropriations), and No. 95-263 (Comm. of Conference).

SENATE REPORT No. 95-66 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 8, considered and passed House.

Apr. 19-22, 25-29, considered and passed Senate, amended.

May 16, House and Senate agreed to conference report and resolved amendment in disagreement.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 22:

May 23, Presidential statement.

Public Law 95-31
95th Congress

An Act

To provide temporary authorities to the Secretary of Commerce to facilitate emergency actions to mitigate the impacts of the 1976-77 drought and promote water conservation.

May 23, 1977
[S. 1279]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Community Emergency Drought Relief Act of 1977".

SEC. 101. (a) Upon the application of any State, political subdivision of a State, Indian tribe, or public or private nonprofit organization, the Secretary of Commerce is authorized to make grants and loans to applicants in drought impacted areas for projects that implement short-term actions to augment community water supplies where there are severe problems due to water shortages. Such assistance may be for the improvement, expansion, or construction of water supplies, and purchase and transportation of water, which in the opinion of the Secretary of Commerce will make a substantial contribution to the relief of an existing or threatened drought condition in a designated area.

(b) The Secretary of Commerce may designate any area in the United States as an emergency drought impact area if he or she finds that a major and continuing adverse drought condition exists and is expected to continue, and such condition is causing significant hardships on the affected areas.

(c) Eligible applicants shall be those States or political subdivisions of States with a population of ten thousand or more, Indian tribes, or public or private nonprofit organizations within areas designated pursuant to subsection (b) of this section.

(d) Projects assisted under this Act shall be only those with respect to which assurances can be given to the satisfaction of the Secretary of Commerce that the work can be completed by April 30, 1978, or within such extended time as the Secretary may approve in exceptional circumstances.

SEC. 102. Grants hereunder shall be in an amount not to exceed 50 per centum of allowable project costs. Loans shall be for a term not to exceed 40 years at a per annum interest rate of 5 per centum and shall be on such terms and conditions as the Secretary of Commerce shall determine. In determining the amount of a grant assistance for any project, the Secretary of Commerce may take into consideration such factors as are established by regulation and are consistent with the purposes of this Act.

SEC. 103. In extending assistance under this Act the Secretary shall take into consideration the relative needs of applicant areas for the projects for which assistance is requested, and the appropriateness of the project for relieving the conditions intended to be alleviated by this Act.

SEC. 104. The Secretary of Commerce shall have such powers and authorities under this Act as are vested in the Secretary by sections 701 and 708 of the Public Works and Economic Development Act of 1965, as amended, with respect to that Act.

SEC. 105. The National Environmental Protection Act of 1969, as amended, shall be implemented to the fullest extent consistent with but

Community
Emergency
Drought Relief
Act of 1977.
42 USC 5184
note.
Grants and loans.
42 USC 5184
note.

Area,
designation.

Applicants.

Project
completion dates.

Terms and
conditions.
42 USC 5184
note.

Project priorities.
42 USC 5184
note.

42 USC 5184
note.

42 USC 3211,
3218.
42 USC 5184
note.
42 USC 4321
note.

subject to the time constraints imposed by this Act, and the Secretary of Commerce when making the final determination regarding an application for assistance hereunder shall give consideration to the environmental consequences determined within that period.

Appropriation
authorization.
42 USC 5184
note.

Sec. 106. (a) There is hereby authorized to be appropriated for the fiscal year ending September 30, 1977, \$225,000,000 of which sum \$150,000,000 is to be for the loan program herein, including administration thereof, and \$75,000,000 of which is to be used for the grant program herein, including administration thereof, and such additional amounts for the fiscal year ending September 30, 1978, as may be reasonably needed for administrative expenses in monitoring and closing out the program authorized by the Act. Funds authorized by this Act shall be obligated by December 31, 1977.

(b) Funds available to the Secretary for this Act shall be available for expenditure for drought impact projects conducted heretofore by eligible applicants during fiscal year 1977 if such projects are found to be compatible with the broad purposes of this Act.

TITLE II

Sec. 201. The first sentence of section 201(a) of the Public Works and Economic Development Act Amendments of 1976 (Public Law 94-487) is amended by striking out "one year" and inserting in lieu thereof "eighteen months".

42 USC 3121
note.

Sec. 202. Section 202 of such Act is amended—

42 USC 3121
note.

(a) by striking out "and" at the end of subsection (4);

(b) by striking out "chapter 57 and subchapter 53 of such title relating to classification and General Schedule pay rates" in subsection (5), and inserting in lieu thereof "chapter 51 and chapter 53 of such title";

5 USC 5101,
5301.

(c) by striking out the period at the end of subsection (5), and inserting a semicolon in lieu thereof; and

(d) by adding at the end the following new subsections:

"(6) accept and use gifts or bequests of services, moneys and property; and

"(7) use appropriated funds and act as may be necessary and appropriate without regard to the provisions of section 551 of title 31, United States Code, section 34 of title 40, United States Code, and section 5 of title 41, United States Code."

Approved May 23, 1977.

LEGISLATIVE HISTORY:

SENATE REPORT No. 95-115 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 123 (1977):

May 11, considered and passed Senate.

May 17, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 22:

May 23, Presidential statement.

Public Law 95-32
95th Congress

An Act

To authorize the establishment of the Eleanor Roosevelt National Historic Site in the State of New York, and for other purposes.

May 26, 1977

[H.R. 5562]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to commemorate for the education, inspiration, and benefit of present and future generations the life and work of an outstanding woman in American history, Eleanor Roosevelt, to provide, in a manner compatible with preservation, interpretation, and use thereof by and for the general public, a site for continuing studies, lectures, seminars, and other endeavors relating to the issues to which she devoted her considerable intellect and humanitarian concerns, and to conserve for public use and enjoyment in a manner compatible with the foregoing purposes an area of natural open space in an expanding urbanized environment, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Eleanor Roosevelt National Historic Site, including the former home of Eleanor Roosevelt, Val-Kill, as depicted on the map entitled "Boundary Map, Eleanor Roosevelt National Historic Site", numbered ELRO-90,000-NHS and dated May 1977. Said map shall be on file and available for public inspection in the offices of the Secretary of the Interior, Washington, District of Columbia. The Secretary is authorized to acquire such land and improvements thereon by donation, purchase with donated or appropriated funds, or exchange.

SEC. 2. (a) Except as otherwise provided in this Act, the site shall be renovated, maintained, and administered by the Secretary in accordance with the provisions of this Act, the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666), as amended.

(b) The acquisition, renovation, administration, and management of the site and its conservation for public use and enjoyment shall be carried out by the Secretary and the studies, lectures, seminars, and other endeavors relating to the issues to which Eleanor Roosevelt devoted her intellect and concern may be carried out under cooperative agreements between the Secretary and qualified public or private entities. Such agreements shall contain provisions authorizing the Secretary or his designated representatives to enter upon the site at all reasonable times for purposes of renovation, maintenance, administration, interpretation, and visitor conduct, assuring that no changes or alterations are made to the site inconsistent with its historic significance, and may include such other provisions assuring the conduct of studies, lectures, seminars, and other endeavors as are mutually agreeable to the Secretary and the public or private entities responsible for conducting the same under such agreements.

SEC. 3. The Secretary shall erect or cause to be erected and maintained an appropriate monument or memorial to Eleanor Roosevelt within the boundaries of the site.

Eleanor
Roosevelt
National Historic
Site, N.Y.
Establishment.
16 USC 461 note.

Land acquisition.

Administration.
16 USC 461 note.

16 USC 1.
16 USC 461.
Cooperative
agreements.

Monument or
memorial,
erection and
maintenance.
16 USC 461 note.

Appropriation
authorization.
16 USC 461 note.

Management
plan, transmittal
to congressional
committees.

SEC. 4 (a) There is authorized to be appropriated to carry out the provisions of this Act, not to exceed \$575,000 for acquisition of land and interests in lands, and not to exceed \$420,000 for development, not more than \$50,000 of which may be made available for the purposes of section 3 of this Act.

(b) Within three years from the effective date of this Act the Secretary shall develop and transmit to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a general management plan for the use and development of the site consistent with the purposes of this Act, indicating—

(1) the lands and interests in lands adjacent or related to the site which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area in furtherance of the purposes of this Act and the estimated cost thereof;

(2) the number of visitors and types of public use within the site which can be accommodated in accordance with the protection of its resources; and

(3) the location and estimated cost of facilities deemed necessary to accommodate such visitors and uses.

Approved May 26, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-264 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 95-148 accompanying S. 1125 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 9, considered and passed House.

May 17, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 22:

May 26, Presidential statement.

Public Law 95-33
95th Congress

An Act

To authorize appropriations for fiscal years 1978, 1979, and 1980 to carry out the Atlantic Tunas Convention Act of 1975.

May 26, 1977

[H.R. 6205]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended by striking out "fiscal year 1977" and inserting in lieu thereof "fiscal years 1977, 1978, 1979, and 1980".

Atlantic Tunas
Convention Act of
1975,
amendments.

SEC. 2. Section 2(4) of such Act of 1975 (16 U.S.C. 971(4)) is amended to read as follows:

"Fisheries zone."

"(4) The term 'fisheries zone' means the waters included within a zone contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the outer boundary is a line drawn in such a manner that each point on it is two hundred nautical miles from the baseline from which the territorial sea is measured; or similar zones established by other parties to the Convention to the extent that such zones are recognized by the United States."

Approved May 26, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-265 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 95-146 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 10, considered and passed House.

May 17, considered and passed Senate.

Public Law 95-34
95th Congress

Joint Resolution

May 26, 1977

[H.J. Res. 424]

To authorize the Administrator of General Services to accept land, buildings, and equipment, without reimbursement, for the John Fitzgerald Kennedy Library, and for other purposes.

John Fitzgerald
Kennedy Library,
Mass.
GSA, acceptance
of land, buildings
and equipment.

Report.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to accept, for and in the name of the United States, and take title on behalf of the United States to, any land, buildings, and equipment that have been or may be offered to the United States, without reimbursement, for the purpose of maintaining, operating, and protecting a Presidential archival depository in memory of John Fitzgerald Kennedy at Columbia Point, city of Boston, Commonwealth of Massachusetts, as part of the National Archives system. The Administrator may accept such property and make agreements, as necessary, to complete the transfer of title to the United States without regard to the provision of section 2108(a) of title 44, United States Code, that the Administrator may not take title to land, buildings, and equipment or make an agreement, until the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which a report in writing on any such proposed Presidential archival depository is transmitted by the Administrator to the President of the Senate and the Speaker of the House of Representatives.

SEC. 2. Nothing in this Act shall be construed to impair or affect the authority of the Administrator under any other provision of section 2108 of title 44, United States Code, or any provision of other law.

Approved May 26, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-273 (Comm. on Government Operations).
CONGRESSIONAL RECORD, Vol. 123 (1977):

May 16, considered and passed House.

May 17, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 22:
May 26, Presidential statement.

Public Law 95-35
95th Congress

An Act

Granting the consent of Congress to the Mississippi-Louisiana Bridge construction compact.

June 1, 1977

[H.R. 3662]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is given to the Mississippi-Louisiana Bridge construction compact entered into between the States of Mississippi and Louisiana, which compact reads as follows:

Mississippi-
Louisiana Bridge
Construction
Compact.
Congressional
consent.

“Mississippi-Louisiana Bridge Construction Compact”

“Article I. The purpose of this compact is to promote the construction of a bridge connecting the States of Mississippi and Louisiana at or near Natchez, Mississippi, and Vidalia, Louisiana, and to establish a joint interstate authority to assist in these efforts.

“Article II. This compact shall become effective immediately as to the States ratifying it whenever the States of Louisiana and Mississippi have ratified it and Congress has given consent thereto.

“Article III. The States which are parties to this compact (hereinafter referred to as ‘party States’) do hereby establish and create a joint agency which shall be known as the Mississippi-Louisiana Bridge Authority (hereinafter referred to as the ‘authority’). The membership of such authority shall consist of the Governor of each party State, one representative each from the Mississippi State Highway Department and the Louisiana Department of Highways, five other citizens of each party State, to be appointed by the Governor thereof. The appointive members of the authority shall serve for terms of four years each. Vacancies on the authority shall be filled by appointment by the Governor for the unexpired portion of the term. The members of the authority shall not be compensated for service on the authority, but each of the appointed members shall be entitled to actual and reasonable expenses incurred in attending meetings, or incurred otherwise in the performance of his duties as a member of the authority. The members of the authority shall hold regular quarterly meetings and such special meetings as its business may require. They shall choose annually a chairman and vice chairman from among their members, and the chairmanship shall rotate each year among the party States in order of their acceptance of this compact. The secretary of the authority (hereinafter provided for) shall notify each member in writing of all meetings of the authority in such a manner and under such rules and regulations as the authority may prescribe. The authority shall adopt rules and regulations for the transaction of its business; and the secretary shall keep a record of all its business and shall furnish a copy thereof to each member of the authority. It shall be the duty of the authority, in general, to promote, encourage, and coordinate the efforts of the party States to secure the development of the Mississippi-Louisiana Bridge at or near Natchez, Mississippi, and Vidalia, Louisiana. Toward this end, the authority shall have power to hold hearings; to conduct studies and surveys of all problems, benefits, and other matters associated with the construction of the Mississippi-Louisiana Bridge, and to make reports thereon; to acquire, by gift, grant, or otherwise, from local, State, Federal, or private sources

such money or property as may be provided for the proper performance of their function, and to hold and dispose of same; to cooperate with other public or private groups, whether local, State, regional, or national, having an interest in the bridge construction; to formulate and execute plans and policies for emphasizing the purpose of this compact before the Congress of the United States and other appropriate officers and agencies of the United States; and to exercise such other powers as may be appropriate to enable it to accomplish its functions and duties in connection with the construction of the Mississippi-Louisiana Bridge and to carry out the purposes of this compact.

"Article IV. The authority shall appoint a secretary, who shall be a person familiar with the nature, procedures, and significance of the bridge construction and the informational, educational, and publicity methods of stimulating general interest in such developments, and who shall be the compact administrator. The term of office of the secretary shall be at the pleasure of the authority and such officer shall receive such compensation as the authority shall prescribe. The secretary shall maintain custody of the authority's books, records, and papers, which shall be kept by the secretary at the office of the authority, and shall perform all functions and duties and exercise all powers and authorities which may be delegated to the secretary by the authority.

"Article V. Each party State agrees that its legislature may, in its discretion, from time to time make available and pay over to the authority funds for the establishment and operation of the authority. The contribution of each party State will be in equal amounts.

"Article VI. Nothing in this compact shall be construed so as to conflict with any existing statute, or to limit the powers of any party State, or to repeal or prevent legislation, or to authorize or permit curtailment or diminution of any other bridge project, or to affect any existing or future cooperative arrangement or relationship between any Federal agency and a party State.

"Article VII. This compact shall continue in force and remain binding upon each party State until the Legislature or Governor of each or either State takes action to withdraw therefrom; provided that such withdrawal shall not become effective until six months after the date of the action taken by the legislature or Governor. Notice of such action shall be given to the other party State or States by the secretary of state of the party State which takes such action."

Sec. 2. The right to alter, amend, or repeal this Act is expressly reserved.

Approved June 1, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-279 (Comm. on the Judiciary).

SENATE REPORT No. 95-136 accompanying S. 837 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 16, considered and passed House; S. 837 considered and passed Senate.

May 18, considered and passed Senate, in lieu of S. 837.

Public Law 95-36
95th Congress

An Act

To authorize appropriations for the administration of the Deepwater Port Act of 1974.

June 1, 1977
[H.R. 6401]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 25 of the Deepwater Port Act of 1974 (Public Law 93-627) is hereby amended to read as follows:

Deepwater Port
Act of 1974,
amendment.
33 USC 1524.

“AUTHORIZATION FOR APPROPRIATIONS

“SEC. 25. There is authorized to be appropriated for administration of this Act, not to exceed \$2,500,000 per fiscal year for the fiscal years ending June 30, 1975, June 30, 1976, September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980.”.

Approved June 1, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-303 pt. I (Comm. on Public Works and Transportation).

SENATE REPORT No. 95-145 accompanying S. 891 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 17, considered and passed House; S. 891 considered and passed Senate.

May 19, considered and passed Senate, in lieu of S. 891.

Public Law 95-37
95th Congress

An Act

June 1, 1977

[S. 853]

To extend the Defense Production Act of 1950, as amended.

Defense
Production Act
Extension
Amendments of
1977.
50 USC app.
2061 note.
50 USC app.
2166.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Defense Production Act Extension Amendments of 1977".

SEC. 2. The first sentence of section 717(a) of the Defense Production Act of 1950 (64 Stat. 822) is amended by striking out "September 30, 1977" and inserting in lieu thereof "September 30, 1979".

Approved June 1, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-232 accompanying H.R. 4962 (Comm. on Banking, Finance and Urban Affairs).

SENATE REPORT No. 95-131 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 2, H.R. 4962 considered and passed House.

May 13, considered and passed Senate.

May 19, considered and passed House, in lieu of H.R. 4962.

Public Law 95-38
95th Congress

An Act

To amend the Privacy Act of 1974 to extend the life of the Privacy Protection
Study Commission to September 30, 1977.

June 1, 1977
[S. 1443]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(g) of the Privacy Act of 1974 (5 U.S.C. 552a note) is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "The Commission shall cease to exist on September 30, 1977."

Privacy
Protection Study
Commission,
extension.

Approved June 1, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-342 accompanying H.R. 6258 (Comm. on Government Operations).

SENATE REPORT No. 95-118 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 9, considered and passed Senate.

May 23, considered and passed House, in lieu of H.R. 6258.

Public Law 95-39
95th Congress

An Act

June 3, 1977
[S. 36]

To authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes.

Energy Research
and Development
Administration.
Appropriation
authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the traditional energy sources of this country are being depleted and we must convert to other forms of energy. In addition, it may be necessary to undertake aggressive conservation programs to cut back on energy consumption and eliminate waste and reduce energy use. In spite of these efforts, Congress finds that domestic energy production in this country must approximately double by the end of this century, and must do so as our domestic sources of petroleum and natural gas decline. Therefore, it is essential that the policy of the Congress be established that every form of energy be put into use at the earliest possible moment, consistent with existing environmental laws, that new elements of energy production be placed on line as quickly as possible.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1977

SEC. 2. In accordance with section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875), and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5915), there is hereby authorized to be appropriated to the Energy Research and Development Administration for fiscal year 1977, subject to the provisions of this Act, the following:

(A) For nonnuclear energy research, development, and demonstration of fossil, solar, geothermal, and other forms of energy for energy conservation, and for scientific and technical education, \$1,175,671,000.

(B) For environmental research and safety, basic energy sciences, program support, and related programs, not directly associated with nuclear programs, \$464,302,000.

TITLE I—NONNUCLEAR PROGRAMS

OPERATING EXPENSES

SEC. 101. For "Operating expenses", for the following programs, a sum of dollars equal to the total of the following amounts:

Fossil Energy Development

(1) Coal:

(A) Coal liquefaction:

Costs, \$81,130,000.

Changes in selected resources, —\$4,300,000.

(B) High Btu gasification (coal):

Costs, \$59,254,000.

Changes in selected resources, —\$14,200,000.

- (C) Low Btu gasification (coal):
Costs, \$50,000,000.
Changes in selected resources, —\$3,000,000.
- (D) Advanced power systems:
Costs, \$12,800,000.
Changes in selected resources, \$9,700,000.
- (E) Direct combustion (coal):
Costs, \$55,116,000.
Changes in selected resources, \$2,284,000.
- (F) Advanced research and supporting technology:
Costs, \$38,500,000.
Changes in selected resources, \$1,100,000: *Provided, That*
the following amounts thereof shall be for systems studies:
Costs, \$9,350,000.
Changes in selected resources, \$1,000,000.
- (G) Demonstration plants (coal):
Costs, \$50,600,000.
Changes in selected resources, \$2,400,000.
- (H) Magnetohydrodynamics:
Costs, \$27,841,000.
Changes in selected resources, \$10,145,000.
- (2) Petroleum and natural gas:
 - (A) Natural gas and oil extraction:
Costs, \$35,269,000.
Changes in selected resources, \$7,900,000.
 - (B) Supporting research:
Costs, \$1,831,000.
Changes in selected resources, \$0.
- (3) In situ technology:
 - (A) Oil shale:
Costs, \$12,085,000.
Changes in selected resources, \$9,000,000.
 - (B) Coal gasification:
Costs, \$13,536,000.
Changes in selected resources, \$1,500,000.
 - (C) Supporting research:
Costs, \$1,310,000.
Changes in selected resources, \$0.

Solar Energy Development

- (4) Solar Heating and Cooling:
Costs, \$88,000,000.
Changes in selected resources, \$26,500,000.
- (5) Other Solar Energy Programs:
Costs, \$136,100,000.
Changes in selected resources, \$35,600,000; including costs of \$3,000,000 and changes in selected resources of \$1,000,000 for initiation of activities of the Solar Energy Research Institute and costs of \$112,200,000 and changes in selected resources of \$27,500,000 for solar electric applications.

Geothermal Energy Development

- (6) Geothermal Energy:
 - (A) Hydrothermal Technology Applications:
Costs, \$14,200,000.
Changes in selected resources, \$1,800,000.

- (B) Other Geothermal Energy Development :
Costs, \$46,100,000.
Changes in selected resources, \$3,600,000.

Conservation Research and Development

- (7) Conservation Research and Development :
 - (A) Electric Energy Systems :
Costs, \$22,000,000.
Changes in selected resources, \$4,000,000.
 - (B) Energy Storage :
Costs, \$32,000,000.
Changes in selected resources, \$6,000,000.
 - (C) Building Conservation :
Costs, \$27,600,000.
Changes in selected resources, \$4,400,000.
 - (D) Industry Conservation :
Costs, \$18,000,000.
Changes in selected resources, \$4,000,000.
 - (E) Transportation Energy Conservation, including \$3,000,000 for methanol and other alternate fuels :
Costs, \$31,400,000.
Changes in selected resources, \$4,600,000.
 - (F) Improved Conversion Efficiency :
Costs, \$15,300,000.
Changes in selected resources, \$11,700,000.
 - (G) Energy Conservation Institutes and Extension Service :
Cost, \$18,000,000.
Changes in selected resources, \$7,000,000.
 - (H) Small grant program for appropriate technologies :
Costs, \$7,500,000.
Changes in selected resources, \$2,500,000.
 - (I) To carry out the municipal solid waste demonstration price guarantee program authorized by section 107 of this Act :
Costs, \$200,000.
Changes in selected resources, \$4,800,000.

Scientific and Technical Education

- (8) Scientific and technical education :
Costs, \$3,750,000.
Changes in selected resources, \$1,250,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 102. (a) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following amounts:

- (1) Fossil energy development coal.
 - (A) Project 77-1-a, modifications and additions to energy research centers, \$6,900,000.
 - (B) Project 77-1-b for a high Btu pipeline gas demonstration plant (which is estimated to cost a total of \$500,000,000, including the non-Federal share of such cost) is authorized. The amount authorized for such plant is \$10,000,000.

- (C) Project 77-1-c for fuel gas low Btu demonstration plant (which is estimated to cost a total of \$380,000,000, including the non-Federal share of such cost) is authorized. The amount authorized for such plant is \$5,000,000.
- (D) Project 77-1-d, MHD component development and integration facility, \$6,700,000.
- (2) Conservation research and development.
- (A) Project 77-17-a Combustion Research Center, \$8,500,000.
- (3) Capital equipment, not related to construction.
- (A) Fossil energy development, \$1,020,000.
- (B) Conservation research and development, \$12,000,000.
- (C) Solar energy development, \$8,500,000, including \$1,500,000 for initiation of activities at the Solar Energy Research Institute in the areas of modification of facilities, acquisition and fabrication of capital equipment, and design of the final installation.
- (D) Geothermal energy development, \$2,350,000.
- (b) There is authorized an additional sum of \$50,000,000 for the clean boiler fuel demonstration plant (project 76-1-a) authorized by section 101(b)(1) of the Act of December 31, 1975 (89 Stat. 1065).
- (c) There is authorized an additional sum of \$15,000,000 for the five megawatt solar thermal test facility (76-2-a) authorized by section 101(b)(2) of the Act of December 31, 1975 (89 Stat. 1065).
- (d) Solar Energy Development:
- Project 77-18-j, \$10,000,000 for the following solar Energy Development Projects:
- (i) OTEC sea test facility, \$1,000,000.
 - (ii) one 200 kW wind energy facility, \$2,000,000.
 - (iii) total solar energy plant, \$2,000,000.
 - (iv) 5 MW solar thermal demonstration for small community, \$2,000,000.
 - (v) biomass conversion facility, \$3,000,000 (A-E and long-lead procurement).

PROVISIONS RELATING ONLY TO FOSSIL ENERGY DEVELOPMENT PROGRAMS

SEC. 103. Funds appropriated pursuant to this Act for "Operating expenses" for fossil energy purposes may be used for (1) any facilities which may be required at locations, other than installations of the Administration, for the performance of research and development contracts, and (2) grants to any organization for purchase or construction of research facilities. No such funds shall be used for the acquisition of land. Fee title to all such facilities shall be vested in the United States, unless the Administrator determines in writing that the programs of research and development authorized by this Act shall best be implemented by vesting fee title in any entity other than the United States: *Provided*, That, before approving the vesting of title in such entity the Administrator shall (A) transmit such determination, together with all pertinent data, to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, and (B) wait a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain), unless prior to the expiration of such period each such committee has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action. Each grant shall be made under such conditions as the Administrator deems necessary to insure that

Limitation.

Determination, transmittal to congressional committees. Notice.

Report,
transmittal to
congressional
committees.
Notice.

the United States will receive therefrom benefits adequate to justify the making of the grant. No such funds shall be used under clause (1) of the first sentence of this section for the construction of any major facility the estimated cost of which, including collateral equipment, exceeds, \$250,000 unless the Administrator shall (i) transmit a report on such major facility showing the nature, purpose, location, and estimated cost of such facility to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, and (ii) wait a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain), unless prior to the expiration of such period each such committee has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 104. Not to exceed 3 per centum of all funds appropriated pursuant to this Act of "Operating expenses" for fossil energy purposes may be used by the Administrator to construct, expand, or modify laboratories and other facilities, including the acquisition of land, at any location under the control of the Administrator, if the Administrator determines that (1) such action would be necessary because of changes in the national programs authorized to be funded by this Act or because of new scientific or engineering developments, and (2) deferral of such action until the enactment of the next authorization Act would be inconsistent with the policies established by Congress for the Administration. No portion of such sums may be obligated for expenditure or expended for such activities, unless (A) a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after the Administrator has transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a written report containing a full and complete statement concerning (i) the nature of construction, expansion, or modification, (ii) the cost thereof, including the cost of any real estate action pertaining thereto, and (iii) the reason why such construction, expansion, or modification is necessary and in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action: *Provided*, That this sentence shall not apply to projects to construct, expand, or modify such laboratories or facilities, the estimated total cost of which does not exceed \$25,000.

SEC. 105. Notwithstanding any other applicable provision of law, the initial authorization in this Act or any other Act heretofore or hereafter enacted to construct, pursuant to section 8 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5907), any fossil energy demonstration plant shall expire at the end of the three full fiscal years following the date of enactment of such authorization, unless (1) funds to construct each such plant are appropriated or otherwise provided pursuant to applicable law prior thereto, or (2) such authorization period is extended by specific Act of Congress hereafter enacted.

SEC. 106. All moneys received by the Administrator from any fossil energy activity shall be paid into the Treasury to the credit of miscellaneous receipts, except that on December 1 of each year the Admin-

Report,
transmittal to
congressional
committees.
Notice.

Demonstration
plants,
expiration.
42 USC 5915a.

Report to
congressional
committees.
42 USC 5903c.

istrator shall provide to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report of all such receipts for the preceding fiscal year, including, but not limited to, the amount and source of such revenues and the program and subprogram activity generating such revenues.

GENERAL PROVISIONS RELATING TO NONNUCLEAR PROGRAMS OTHER THAN FOSSIL ENERGY DEVELOPMENT

SEC. 107. The Administrator is authorized, subject to the appropriation of funds pursuant to section 101(7)(I) of this Act, to establish and implement, under section 7(a)(4) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5906(a)(4)) and in accordance with section 7(c) of such Act (42 U.S.C. 5906(c)), a price-support program to demonstrate municipal solid waste reprocessing for the production of fuels and energy intensive products. Prior to entering into any contract for such demonstration, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a full and complete report on the proposed commercial demonstration facility and the necessary project demonstration guarantees. Such contract shall not be finalized under the authority granted by this section prior to the expiration of ninety calendar days (not including any day on which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain) from the date on which such report is received by such committees.

42 USC 5906
note.

Report, submittal
to congressional
committees.

GENERAL PROVISIONS RELATING TO ALL NONNUCLEAR PROGRAMS

SEC. 108. Except as otherwise provided in this Act—

(a) no amount appropriated pursuant to this Act may be used for any nonnuclear program in excess of the amount actually authorized for that particular program by this Act,

(b) no amount appropriated pursuant to this Act may be used for any nonnuclear program which has not been presented to, or requested of, the Congress,

unless (1) a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after the receipt by the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon to support such proposed action, or (2) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action: *Provided*, That the following categories may not, as a result of reprogramming, be decreased by more than 10 per centum of the sums appropriated pursuant to this Act for such categories: Coal, petroleum and natural gas, in situ technology, solar, geothermal, and conservation.

Notice to
congressional
committees.

Limitation.

SEC. 109. The Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a detailed explanation of the allocation of all of the funds appropriated pur-

Explanation,
submittal to
congressional
committees.

30 USC 1122.

suant to this Act for nonnuclear energy programs and subprograms, reflecting the relationships, consistencies, and dissimilarities between those allocations and (a) the comprehensive program definition transmitted pursuant to section 102 of the Geothermal Energy Research, Development, and Demonstration Act, (b) the comprehensive program definition transmitted pursuant to section 15 of the Solar Energy Research, Development, and Demonstration Act of 1974 (42 U.S.C. 5564), (c) the comprehensive plan for nonnuclear energy research, development, and demonstration transmitted pursuant to section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905).

SEC. 110. Section 13 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5912) is amended by—

(1) striking, in the first sentence of subsection (a), the words “At the request of the Administrator, the” and inserting therein “The”;

(2) striking, in the first sentence of subsection (b), the words “prepare or have prepared an assessment of the availability of adequate water resources.” and inserting therein the following: “request the Water Resources Council to prepare an assessment of water requirements and availability for such project.”; and

(3) adding at the end thereof a new subsection to read as follows:

“(f) The Administrator shall, upon enactment of this subsection, be a member of the Council.”.

Classification.
42 USC 5914
note.

SEC. 111. (a) The Administrator shall classify each recipient of any award, contract, or other financial arrangement in any nonnuclear research, development, or demonstration category as—

(1) a Federal agency,

(2) a non-Federal governmental entity,

(3) a profitmaking enterprise (indicating whether or not it is a small business concern),

(4) a nonprofit enterprise other than an educational institution,

or

(5) a nonprofit educational institution.

Reporting
requirement.

(b) The information required by subsection (a), along with the dollar amount of each award, contract, or other financial arrangement made, shall be included as an appendix to the annual report required by section 15(a) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914): *Provided*, That small purchases or contracts of less than \$10,000, which are excepted from the requirements of advertising by section 252(c)(3) of title 41, United States Code, shall be exempt from the reporting requirements of this section.

Exemption.

Small grant
program,
establishment.
42 USC 5907a.

SEC. 112. (a) There shall be established within the Administration a program for appropriate technology under the direction of the Assistant Administrator for Conservation Research and Development. The Administrator shall develop and implement a program of small grants for the purpose of encouraging development and demonstration projects described in subsection (c) of this section.

Limitation.

(b) The aggregate amount of financial support made available to any participant in such program, including affiliates, under this section shall not exceed \$50,000 during any two-year period.

(c) Funds made available under this section shall be used to provide for a coordinated and expanded effort for the development and demonstration of, and the dissemination of information with respect to, energy-related systems and supporting technologies appropriate to—

- (1) the needs of local communities and the enhancement of community self-reliance through the use of available resources;
- (2) the use of renewable resources and the conservation of non-renewable resources;
- (3) the use of existing technologies applied to novel situations and uses;
- (4) applications which are energy-conserving, environmentally sound, small scale, durable and low cost; and
- (5) applications which demonstrate simplicity of installation, operation and maintenance.

(d) (1) Grants, agreements or contracts under this section may be made to individuals, local nonprofit organizations and institutions, State and local agencies, Indian tribes and small businesses. The Administration shall develop simplified procedures with respect to application for support under this section.

Procedures.

(2) Each grant, agreement or contract under this section shall be governed by the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 and shall contain effective provisions under which the Administration shall receive a full written report of activities supported in whole or in part by funds made available by the Administration; and

Report.

42 USC 5908.

(3) In determining the allocation of funds among applicants for support under this section the Administrator may take into consideration:

Criteria.

- (A) the potential for energy savings or energy production;
- (B) the type of fuel saved or produced;
- (C) the potential impact on local or regional energy or environmental problems; and
- (D) such other criteria as the Administrator finds necessary to achieve the purposes of this Act or the purposes of the Federal Nonnuclear Energy Research and Development Act of 1974.

Guidelines implementing this section shall be promulgated with full opportunity for public comment.

42 USC 5901 note.

Guidelines,
public comment.
Report to
congressional
committees.

(e) The Administrator shall—

(1) prepare and submit no later than October 1, 1977, a detailed report on plans for implementation, including the timing of implementation, of the provisions of this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives and shall keep such committees fully and currently informed concerning the development of such plans; and

(2) include as a part of the annual report required by section 15(a)(1) of the Federal Nonnuclear Energy Research and Development Act of 1974 beginning in 1977, a full and complete report on the program under this section.

42 USC 5914.

SEC. 113. The Administrator, in consultation with the Administrator of the Environmental Protection Agency, shall submit a report to the Congress, six months after enactment of this Act, on the environmental monitoring, assessment, and control efforts, relating to environment, safety, and health, which are required to successfully demonstrate any project, which is subject to sections 8 (e) and (f) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5907 (e) and (f)), and is authorized by this Act or any prior Act. The report shall contain the extent to which monitoring and control is required, the estimated costs thereof.

Report to
Congress.
42 USC 5907
note.

TITLE II—FOR NONNUCLEAR ENVIRONMENTAL RESEARCH AND SAFETY, BASIC ENERGY SCIENCES, PROGRAM SUPPORT, AND RELATED PROGRAMS

OPERATING EXPENSES

SEC. 201. For "Operating expenses", for the following programs, a sum of dollars equal to the total of the following amounts:

- (1) Biomedical and environmental research, \$119,500,000, of which \$1,000,000 shall be made available to the Water Resources Council to carry out the provisions of section 13 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5912).
- (2) Operational safety, \$4,500,000.
- (3) Environmental control technology, \$13,100,000.
- (4) Basic energy sciences for the following:
 - (A) Material sciences, \$45,600,000.
 - (B) Molecular, mathematical, and geosciences, \$46,700,000.
- (5) Program support, \$205,635,000: *Provided*, That \$1,250,000 is authorized to be appropriated pursuant to this subparagraph
- (5) to reimburse the National Bureau of Standards for costs incurred in carrying out the provisions of section 14 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5913).
- (6) To carry out the provisions of section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5910), \$500,000 for the Council on Environmental Quality.

PLANT AND CAPITAL EQUIPMENT

SEC. 202. For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following amounts:

- (1) Biomedical and Environmental Research:
Project 77-6-a, modification and additions to biomedical and environmental research facilities, various locations, \$4,200,000.
- (2) Program Support:
Project 77-16-a, laboratory support complex, Los Alamos Scientific Laboratory, New Mexico, \$6,000,000.
- (3) Capital Equipment, not related to construction:
 - (A) Biomedical and environmental research, \$6,660,000.
 - (B) Environmental control technology, \$282,000.
 - (C) Basic energy sciences for the following:
 - (i) Material sciences, \$3,900,000.
 - (ii) Molecular, mathematical, and geosciences, \$3,000,000.
 - (D) Program Support, \$4,725,000.

LIMITATIONS

SEC. 203. The Administration is authorized to start any project set forth in title II, subsection 202 (1) and (2) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

TITLE III—GENERAL PROVISIONS

SEC. 301. Subject to the applicable requirements and limitations of this Act, when so specified in appropriations Acts amounts appropriated for the Administration pursuant to this Act for "Operating expenses" or for "Plant and capital equipment" may be merged with any other amounts appropriated for like purposes pursuant to any other Act authorizing appropriations for the Administration.

SEC. 302. When so specified in appropriation Acts, amounts appropriated pursuant to this Act for "Operating expenses" or for "Plant and capital equipment" may remain available until expended.

SEC. 303. (a) Any Government-owned contractor operated laboratory, energy research center, or other laboratory performing functions under contract to the Administration may, with the approval of the Administrator, use a reasonable amount of its operating budget for the funding of employee-suggested research projects up to the pilot stage of development. It shall be a condition of any such approval that the director of the laboratory or center involved form an internal review mechanism for determining which employee-suggested projects merit funding in a given fiscal year; and any such project may be funded in one or more succeeding years if the review process indicates that it merits such funding.

Employee-suggested research projects.
42 USC 5817a.

(b) Each director of a laboratory or center specified in subsection (a) of this section shall submit an annual report to the Administrator on projects being funded under this section; and on completion of each such project shall submit a report to the Technical Information Center of the Administration for inclusion in its data base.

Reports.

SEC. 304. The Administrator is authorized to perform construction design services for any Administration construction project whenever the Administrator determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction in order to meet the needs of national defense or protection of life and property or health and safety.

Construction design services.

SEC. 305. Any moneys received by the Administration may be retained and used, as provided in annual appropriations Acts for operating expenses (except sums received from disposal of property under the Atomic Energy Community Act of 1955 and the Strategic and Critical Materials Stockpiling Act, as amended, and fees received for tests or investigations under the Act of May 16, 1910, as amended (42 U.S.C. 2301; 50 U.S.C. 98h; 30 U.S.C. 7)), notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and may remain available until expended. Funds may be obligated for purposes stated in this section only to the extent provided in appropriations Acts.

42 USC 2301
note.
50 USC 98 note.

SEC. 306. Transfers of sums from the "Operating expenses" appropriation may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

Funds, transfer.

SEC. 307. Notwithstanding any other provision of this Act, provisions of sections 304, 305, and 306 of this Act shall not be applicable to any fossil energy activity, program, or subprogram.

SEC. 308. (a) Each officer or employee of the Energy Research and Development Administration who—

ERDA employees, annual financial statements, filing with Administrator.
42 USC 5816a.

(1) performs any functions or duty under this Act or any other Act amended by this Act; and

(2) has any known financial interest—

(A) in any person engaged in the business, other than at the retail level, of developing, producing, refining, transporting by pipeline, or converting into synthetic fuel, minerals, wastes, or renewable resources, or in the generation of energy from such minerals, wastes, or renewable resources, or in conducting research, development, and demonstration with financial assistance under this Act or any other Act amended by this Act, or

(B) in property from which minerals are commercially produced,

shall, beginning on February 1, 1977, annually file with the Administrator a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statements shall be available to the public.

Availability.

(b) The Administrator shall—

(1) act within ninety days after the date of enactment of this section—

(A) to define the term “known financial interest” for purposes of paragraph (2) of subsection (a) of this section; and

(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the Administrator of such statements; and

Report to Congress.

(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

Exemption.

(c) In the rules prescribed in subsection (b) of this section, the Administrator may identify specific positions within the Administration which are of a nonpolicymaking nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

Penalty.

(d) Any officer or employee who is subject to, and knowingly violates, this section or any regulation issued thereunder, shall be fined not more than \$2,500 or imprisoned not more than one year, or both.

90 Stat. 889.

SEC. 309. In utilizing the funds which have been made available by Public Law 94-355, as amended, the Administrator is hereby directed to observe the limitations of clauses (1) through (8) and clauses (12) through (14) of section 202, sections 203 through 207, and section 208 except subsection (e)(5) of the bill H.R. 13350 (Ninety-fourth Congress) as set forth in the conference report thereon (House Report 94-1718).

TITLE IV—ORGANIZATIONAL CONFLICTS

SEC. 401. The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 4901) is amended by adding a new section to read as follows:

42 USC 5918.

“SEC. 19. (a) The Administrator shall by regulation require any person proposing to enter into a contract, agreement, or other arrangement, with the Energy Research and Development Administration whether by advertising or negotiation, or for technical consulting and management support services or other such similar services to provide the Administrator, prior to entering into any such contract, agreement, or arrangement, with all relevant information bearing on

whether that person has a possible conflict of interest with respect to (1) being able to render impartial, technically sound, or objective assistance or advice in light of other interests or relationships with other persons or (2) being given an unfair competitive advantage. Such person shall insure, in accordance with regulations published by the Administrator, compliance with this section by subcontractors of such person who are engaged to perform similar services.

“(b) The Administrator shall not enter into any such contract, agreement, or arrangement unless he affirmatively finds after evaluating all such information and any other relevant information otherwise available to him, either that (1) there is little or no likelihood that a conflict of interest would exist, or (2) that such conflict has been avoided after appropriate conditions have been included in such contract, agreement, or arrangement: *Provided*, That if he determines that such conflict of interest exists and that such conflict of interest cannot be avoided by including appropriate conditions therein, the Administrator may enter into such contract, agreement, or arrangement, if he determines that it is in the best interests of the United States to do so and includes appropriate conditions in such contract, agreement, or arrangement to mitigate such conflict.

“(c) The Administrator shall publish rules for the implementation of this section, in accordance with section 553 of title 5, United States Code, as soon as possible after the date of enactment of this section but in no event later than 180 days after such date.”.

Rules.

TITLE V—ENERGY EXTENSION SERVICE

National Energy
Extension Service
Act.

SHORT TITLE

SEC. 501. This title may be cited as the “National Energy Extension Service Act”.

42 USC 7001
note.

FINDINGS AND PURPOSES

SEC. 502. (a) The Congress hereby declares—

42 USC 7001.

(1) that the general welfare and the common defense and security require a greater public knowledge of energy conservation opportunities;

(2) that scientific identification and practical demonstration of specifically designed energy conservation opportunities, the dissemination of information relating thereto, and the prompt delivery and acceptance of specific energy conservation opportunities require a national effort;

(3) that the national effort required to develop, demonstrate, and encourage acceptance and adoption of energy conservation opportunities should be coordinated at the Federal level by the Energy Research and Development Administration;

(4) that a special effort must be made to develop and demonstrate practical alternative energy technologies such as solar heating and cooling;

(5) that successful implementation of energy conservation and new energy technologies will require both public awareness and individual capability to use the conservation opportunities and new technology;

(6) that this required awareness and capability can only be achieved on a national basis by an active outreach effort;

(7) that existing energy outreach programs are underfunded;

(8) that any Federal outreach program should be organized

with the States as full participants, and each State should plan and coordinate the outreach activities within the State, optimizing the use of existing outreach capabilities;

(9) that Federal assistance should be provided for energy outreach activity, including coordinated energy outreach activities and technical support in each State for such efforts;

(10) that the Energy Research and Development Administration should provide overall national direction and review of federally assisted State energy outreach programs.

(b) The Congress declares that the purposes of this title are—

(1) to establish a positive energy outreach program directed toward small business and individual energy consumers and the organizations that influence energy consumption;

(2) to stimulate, provide for and supplement programs for the conduct of evaluation, planning and other technical support of energy conservation efforts, including energy outreach activities of States.

ESTABLISHMENT OF EXTENSION SERVICE

Energy Extension
Service.

42 USC 7002.

Director.

SEC. 503. (a) There is established in the Energy Research and Development Administration an office to be designated as the Energy Extension Service (hereinafter in this Act referred to as the "Service"). The Service shall be headed by a Director who shall be appointed by and directly responsible to the Administrator of the Energy Research and Development Administration (hereinafter referred to as the "Administrator"). The Director shall be a person who by reason of training, experience, and attainments is exceptionally qualified to implement the programs of the Service. There shall be in the Service a Deputy Director who shall be appointed by the Administrator, who shall have such functions, powers, and duties as may be prescribed from time to time by the Director, and who shall act for, and exercise the powers of, the Director during the absence or disability of, or in the event of a vacancy in the office of, the Director.

Compensation.

(b) The Director shall receive basic pay at the rate provided for level IV of the Executive Schedule in section 5315 of title 5, United States Code.

Duties.

(c) The Director shall have overall responsibility for the national direction of the comprehensive program developed under section 504 and of all other activities conducted under this title and shall annually review the programs of the various States under sections 505 and 506 to insure that they are effectively promoting the realization of the objectives of this title.

DESCRIPTION OF EXTENSION SERVICE

Program
development.
42 USC 7003.

SEC. 504. (a) The Service shall develop and implement a comprehensive program for the identification, development, and practical demonstration of energy conserving opportunities, techniques, materials, and equipment, including opportunities, techniques, or methods responsive to local needs or resources, and alternative energy technologies such as solar heating and cooling, for—

(1) agricultural, commercial, and small business operations, and

(2) new and existing residential, commercial, and agricultural buildings or structures.

Such program shall provide for technical assistance, instruction, information, dissemination, and practical demonstrations in energy conservation opportunities, and shall provide an active interface with end use energy consumers at the local level for the purpose of offering active outreach assistance and affording a communication channel for end user technology requirements. Such outreach assistance shall be provided by means of such appropriate local offices, including metropolitan city offices, county agents, and technical staff assistants, and may be required to provide energy extension services.

(b) The program authorized under subsection (a) of this section shall permit each State to establish a technical support institute at one or more colleges or universities designated by the Governor of that State. Each such institute shall—

Technical support institutes, establishment.

(1) have as its purpose to assist in implementation of the State energy extension service; and

(2) provide such analyses and technical support as is necessary for effective State energy extension service activities.

(c) The comprehensive program developed under subsection (a) shall be implemented and carried out within each State pursuant to sections 505 and 506.

(d) The Director shall take such steps as may be necessary to insure that the comprehensive program is implemented in a manner which minimizes conflict with existing services in the private sector of the economy that are similar to those provided under such program.

INITIAL IMPLEMENTATION OF EXTENSION SERVICE

SEC. 505. (a) The Director shall within forty-five days after the effective date of this title invite the Governor of each State through competitive procurement to submit a plan for the conduct of energy extension service activities as described in section 504 of this title throughout such State including provisions for appropriate technical support within such State of such activities, to disseminate information and provide advice and assistance to individuals, groups, and units of State and local government by means of—

State plans, submittal to Director.
42 USC 7004.

(1) specific studies and recommendations applicable to individual residences, businesses, and agricultural or commercial establishments;

(2) demonstration projects;

(3) distribution of studies and instructional materials;

(4) seminars and other training sessions for State and local government officials and the public; and

(5) other public outreach programs.

(b) Each State shall be accorded not more than ninety days to submit a plan to the Director under subsection (a) of this section. The Director shall promptly review such proposals and shall, with the approval of the Administrator, and subject to the limitations of section 512(c) (1) and (2), provide funds adequate for the support of the proposed energy outreach plan of a State if the Director finds that, such plan—

Funds.

(1) meets the objectives of this title;

(2) was prepared with opportunity for input from State, county, and local officials, State universities, colleges and community colleges, cooperative extension services, community service action agencies, and other public or private organizations involved in active energy outreach programs;

(3) consistent with the objectives and requirements of this title, makes optimum use of existing outreach or delivery mechanisms or programs, and includes to the optimum extent any existing State, local, university, college, or other organizations' programs for energy information, education, or technology transfer which have objectives similar to those of this title and activities similar or related to those specified in section 504 and subsection (a) of this section;

(4) provides that the State will maintain, or require other participating entities within the State to maintain, and make available upon request to the Director, such records with respect to the use and expenditure of any Federal funds paid to the State, or to entities within the State, under this title as the Director may require;

(5) provides for the establishment of effective procedures for responding to external inputs and inquiries;

(6) requires that, to the extent possible, within personnel and funding limitations, on-site energy evaluations will be made available to all consumers and small business concerns, and to other business concerns within such limitations (as to size or otherwise) as the Director may specify;

(7) provides that the State will furnish and widely disseminate information on the types of assistance available under this title, and under other Federal and State laws, with respect to the planning, financing, installation, and effective monitoring of energy-related facilities and activities;

(8) provides that the allocation within the State of the funds made available to it under this title will be based on, or give due consideration to, such factors (specifically including potential energy savings and number of persons affected) as the Director determines will best carry out the purpose of this title;

(9) requires the establishment and implementation of policies and procedures designed to assure that assistance provided under this title does not replace or supplant the expenditure of other Federal or State or local funds for the same purposes, but rather supplements such funds and increases the expenditure of such State or local funds to the maximum extent possible: *Provided*, That there shall be no requirement for matching State or local funds in the guidelines, unless such requirement is included in an annual authorization;

(10) requires effective coordination of the programs under such State plans with other Federal programs which provide funds for university extension programs, in order to avoid duplication;

(11) requires the establishment and implementation of effective procedures specifically designed for the dissemination of information to small business concerns;

(12) limits to a maximum of 20 per centum the portion of the funds made available under this title which may be used for the purchase of equipment, facilities, and library and related materials;

(13) prohibits the use of any such funds for the purchase of land or interests therein or the repair of buildings or structures; and

(14) satisfies such other criteria as the Director may establish to carry out the purpose of this title.

IMPLEMENTATION OF NATIONAL EXTENSION SERVICE

SEC. 506. (a) Notwithstanding the provisions of section 505, the Director, on behalf of the Administrator, is authorized and directed to invite in each State of the United States not then participating in the program at the earliest practicable date, but no later than October 1, 1978, to submit a plan for the conduct of energy extension service activities, including provisions for appropriate technical support in such State, to disseminate information and provide advice and assistance to individuals, groups, and units of State and local government by means of—

- (1) specific studies and recommendations applicable to individual residences, businesses, and agricultural or commercial establishments;
- (2) demonstration projects;
- (3) distribution of studies and instructional materials;
- (4) seminars and other training sessions for State and local government officials and the public; and
- (5) other public outreach programs.

(b) Pursuant to authority described in subsection (a) of this section, the Director, with the approval of the Administrator, shall issue guidelines for the preparation and submission of State plans under subsection (c). Such guidelines shall be designed to assure that the plans so submitted will be consistent with this title and will effectively contribute to the achievement of its objectives, and shall allow maximum flexibility and the exercise of maximum discretion by the States. In the preparation of such guidelines, the Administrator shall provide a reasonable opportunity for inputs by representatives of the several States and for a reasonable period for public review and comment. In any event, such guidelines—

(1) shall require the establishment and implementation of policies and procedures designed to assure that assistance provided under this title does not replace or supplant the expenditure of other Federal or State or local funds for the same purposes, but rather supplements such funds and increases the expenditure of such State or local funds to the maximum extent possible;

(2) shall require effective coordination of the programs under such State plans with other Federal programs which provide funds for university extension programs, in order to avoid duplication;

(3) shall require the establishment and implementation of effective procedures specifically designed for the dissemination of information to small business concerns;

(4) shall limit to a maximum of 20 per centum the portion of the funds made available under this title which may be used for the purchase of equipment, facilities, and library and related materials; and

(5) shall prohibit the use of any such funds for the purchase of land or interests therein or the repair of buildings or structures.

(c) On the effective date of the guidelines described in subsection (b) of this section, the Director shall invite the Governor of each State not then participating in the program to submit a plan for the conduct of energy extension service activities throughout such State.

Non-participating States, invitation to submit plans. 42 USC 7005.

Guidelines.

Public review and comment.

Non-participating States, invitation to Governors to submit plans.

State plan,
approval.

(d) Each State plan submitted under subsection (c) shall be approved by the Director if the Director finds that such plan—

(1) meets the objectives of this title;

(2) was prepared with opportunity for input from State, county, and local officials, State universities and community colleges, cooperative extension services, community service action agencies, and other public or private organizations involved in active energy outreach programs;

(3) consistent with the objectives and requirements of this title, makes optimum use of existing active outreach or delivery mechanisms or programs, and includes to the optimum extent any existing State, local, university, or other organizations' programs for energy information, education, or technology transfer which have objectives similar to those of this title and activities similar or related to those specified in section 504 and subsection (a) of this section;

(4) provides that the State will maintain, or require other participating entities within the State to maintain, and make available upon request to the Director, such records with respect to the use and expenditure of any Federal funds paid to the State, or to entities within the State, under this title as the Director may require;

(5) provides for the establishment of effective procedures for responding to external inputs and inquiries;

(6) requires that, to the extent possible, within personnel and funding limitations, on-site energy evaluations will be made available to all consumers and small business concerns, and to other business concerns within such limitations (as to size or otherwise) as the Director may specify;

(7) provides that the State will furnish and widely disseminate information on the types of assistance available under this title, and under other Federal and State laws, with respect to the planning, financing, installation, and effective monitoring of energy-related facilities and activities;

(8) provides that the allocation within the State of the funds made available to it under this title will be based on, or give due consideration to, such factors (specifically including potential energy savings and number of persons affected) as the Director determines will best carry out the purpose of this title; and

(9) satisfies such other criteria as the Director may establish to carry out the purpose of this title.

(e) If the Director finds that a State plan submitted under subsection (c) does not satisfy the requirements of subsection (d), he shall provide a reasonable opportunity for the State to present arguments in support of such plan and to revise the plan within a reasonable period of time to satisfy such requirements.

(f) (1) If a State does not submit a plan under subsection (a) or its plan as so submitted (with any revisions made under subsection (e)) is not acceptable, the Director (after giving notice and an opportunity for comment to the Governor of such State) shall develop consistent with other subsections of this section an energy extension service plan for the State involved, which conforms to the requirements of subsec-

Plan,
development by
Director.

tion (d). In conducting energy extension service activities under any plan developed under this subsection, the Director is authorized to enter into agreements for the utilization of existing Agriculture Extension Service offices and personnel, or such other offices and personnel as may be appropriate, and to provide funds for such operations; and in carrying out the functions of such offices the Director shall make maximum use of any existing delivery mechanisms for the State or local region concerned which are appropriate for purposes of this section, while coordinating his activities in connection with the performance of such functions with all such mechanisms in the State or region which are related to, but not directly involved, in the program under this title.

Agriculture
Extension
Service,
utilization
agreements.

(2) Each State shall have a period of one hundred and eighty days after the issuance of the indication referred to in subsection (b) (or a longer period if the Director finds, at the request of the Governor of such State, that an extension is justified) within which to submit its plan under subsection (c) and if necessary to revise such plan under subsection (e) before the Director may undertake the development of a plan for such State under paragraph (1) of this subsection.

Revisions.

(3) Any such plan developed by the Director shall be transmitted to the Governor of such State and shall not be implemented for ninety days after the date of transmittal: *Provided*, That notwithstanding the provisions of paragraphs (1) and (2) of this subsection, no such plan shall be implemented if the Governor within the ninety-day period notifies the Administration in writing of his objection to the implementation of said plan.

Transmittal to
State Governors
Notification.

(g) The Director shall annually review the implementation of State plans approved under subsection (d) to insure continued conformance with the requirements of this title. If the Director determines that the implementation of any approved State plan does not satisfy any of such requirements, he shall notify the Governor of the State and any other designated officials of the deficiency, with specific details, and shall provide a reasonable time and opportunity for remedial action. If, after such reasonable time and opportunity, satisfying remedial action has not been taken to place the implementation in conformance with such requirements, the Director shall so inform the Administrator, who shall give the Governor notice of intention to terminate Federal assistance, after the opportunity for the Governor's comment, if the implementation continues to not satisfy all such requirements. Federal assistance shall be terminated thereafter if satisfactory action is not taken. In the event Federal assistance is terminated under this subsection, the Director shall proceed in accordance with the procedures in subsection (f) to develop an energy extension service for the State. In so doing, the Director shall provide for continuation of all activities under the State plan which were in conformance with the requirements of this title and shall effect only such changes in the activities under such plan as are necessary to satisfy such requirements. The Director shall give the Governor notice of any such changes and shall provide a reasonable opportunity for the Governor to comment prior to proceeding with the changes.

Annual review.

Notification of
States.
Remedial action.

Notice.

Service,
development.

Notice.

(h) In any case where a State has submitted a State energy conservation plan under part C of title III of the Energy Policy and Conservation Act, as amended, the State's plan submitted under subsection (c) of this section shall specifically indicate how its proposed extension service program will complement or supplement any pro-

42 USC 6321.

42 USC 6322.

grams of public education under section 362(d) (4) of such Act which are included under such energy conservation plan. In any event, each State plan submitted under subsection (c) of this section shall indicate how its proposed extension service program will complement or supplement any other energy conservation programs being carried out within the State with assistance from Federal funds or under other Federal laws.

Financial
assistance.

(i) The Director shall provide financial assistance to each State having a plan approved under subsection (d), from funds allocated to such State under section 512(c), and shall provide information and technical assistance to such State, for the development, implementation, or modification of the State's plan submitted under subsection (c) of this section.

(j) Nothing in this title, or in the comprehensive program developed under section 504 or any State plan approved under this section, shall have the effect of modifying or altering the relationships existing between educational institutions and the States in which they are located in connection with activities provided for under this title.

ADMINISTRATIVE PROVISIONS

Regulations.
42 USC 7006.

SEC. 507. (a) The Director shall promulgate such regulations and directives as may be necessary to carry out the functions and projects of the Service.

Consultation and
cooperation.

(b) The Director shall consult and cooperate with the Secretary of Housing and Urban Development, the Administrator of the Federal Energy Administration, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, the Secretary of Health, Education, and Welfare, the Community Services Administration (and its Institute for Appropriate Technology), the Secretary of Commerce (and the Regional Centers of the Economic Development Administration in the Department of Commerce), the Administrator of the Small Business Administration, and the heads of other Federal agencies administering energy-related programs, with a view toward achieving maximum coordination with such other programs, and for the purpose of insuring to the maximum extent possible that all energy conservation and new energy technology information disseminated by or through Federal programs in a given area are consistent and are fully coordinated in order to minimize duplication of effort and to maximize public confidence in the credibility of Federal or federally assisted programs. It shall be the responsibility of the Director to promote the coordination of programs under this title with other public or private programs or projects of a similar nature.

(c) Federal agencies described in subsection (b) shall cooperate with the Director in disseminating information with respect to the availability of assistance under this title, and in promoting the identification and interests of individuals, groups, or business and commercial establishments eligible for assistance through programs funded under this title.

Interagency
Advisory Group.
Establishment.
Membership.

(d) At such time as the Energy Resources Council is terminated, pursuant to section 108 of the Energy Reorganization Act of 1974, as amended (42 U.S.C. 5818), there shall be established an Interagency Advisory Group, consisting of the Director (as Chairman) and the heads of the Federal agencies described in subsection (b) or their delegates, to assist the Director in carrying out his responsibilities

under this section and to provide a mechanism for use by the Director and the heads of such agencies in the performance of their functions under subsections (b) and (c).

COMPREHENSIVE PLAN AND PROGRAM

SEC. 508. (a) The Administrator is authorized and directed to prepare a comprehensive program and plan for Federal energy education, extension, and information activities authorized by this title and any other law. In the preparation of the program and plan, the Administrator shall utilize and consult with the head of each agency referred to in this title and any other Federal agency with an energy education, extension, or information program. Preparation of such program and plan shall not delay in any way the procedures specified in sections 505 and 506 or the implementation otherwise of this title. Rather, the program and plan should reflect the activities mandated by this title and serve as a mechanism for Federal Government-wide coordination and management of those activities with the activities of other Federal agencies under other law.

42 USC 7007.

Consultation.

(b) The comprehensive program and plan shall include, but not be limited to, the following elements:

(1) specific delineation of responsibility of each participating Federal agency in the conduct of this title;

(2) mechanisms established to coordinate the activities under this title, pursuant to section 507 (b), (c), and (d);

(3) a detailed summary of all related Federal programs under other law, including program descriptions, types of delivery mechanisms, budget, and objectives;

(4) procedures for defining and measuring the effectiveness, in terms of increased energy efficiency, fuel savings, adoption of new energy technologies, and other appropriate criteria, of the activities under this title and related activities under other law;

(5) an assessment of other existing Federal assistance and incentives, other than public education, extension, and outreach programs, and their relation to such programs, in achieving the objectives of this title;

(6) procedures pursuant to section 504(d) to minimize conflict with existing services in the private sector of the economy which are similar to those under this title and other law; and

(7) a comprehensive and integrated plan for the resulting Federal program, taking into account paragraphs (1) through (6).

(c) The Administrator shall transmit the comprehensive program and plan to the President and to each House of Congress within one hundred and eighty days after the date of enactment of this Act. Thereafter, the Administrator shall revise the program and plan on an annual basis and submit the revisions as part of the annual fiscal year budget submission and the report required by section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974.

Transmittal to President and Congress.

Annual revision.

42 USC 5914.

ADVISORY BOARD

SEC. 509. (a) There is hereby established a National Energy Extension Service Advisory Board (hereinafter in this section referred to as the "Board"), which shall consist of not less than fifteen nor more than

Establishment.
Membership.
42 USC 7008.

- twenty members appointed by the Administrator from among persons representative of State, county, and local governments, State universities, community colleges, community service action agencies, consumers, small business, and agriculture. The Administrator shall designate one of the members of the Board to serve as its chairman, and shall provide the Board with such services and facilities as may be necessary for the performance of its functions. The Administrator shall reimburse members of the Board for the full amount of any expenses (including travel expenses) necessarily incurred by them in the performance of their duties as such.
- Chairman.**
- Travel expenses.**
- Review.** (b) The Board shall carry on a continuing review of the operation of the comprehensive program developed under section 504 and the various State plans approved under sections 505 and 506, for the purpose of evaluating their effectiveness in achieving the objectives of this title and determining how their operation might be improved in furtherance of such objectives.
- Report to Administrator, Director, and Congress.** (c) The Board shall report at least annually to the Administrator, the Director, and the Congress on the status of the program under this title, including any recommendations it may have for administrative or legislative changes to improve its operation.

CONFORMING AMENDMENTS

- 42 USC 5813.** SEC. 510. (a) Section 103 of the Energy Reorganization Act of 1974, as amended (42 U.S.C. 5801), is amended by redesignating paragraphs (7) through (11) as paragraphs (8) through (12), respectively, and inserting immediately after paragraph (6) the following new paragraph:
- Ante, p. 191.** “(7) establishing, in accordance with the National Energy Extension Service Act, an Energy Extension Service to provide technical assistance, instruction, and practical demonstrations on energy conservation measures and alternative energy systems to individuals, businesses, and State and local government officials;”.
- (b) Section 108(b) of such Act (42 U.S.C. 5818(b)) is amended by striking out “and” at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof “; and”, and by adding after paragraph (3) the following new paragraph:
- “(4) insure that Federal agencies fully discharge their responsibilities under sections 507 and 508 of the National Energy Extension Service Act for coordination and planning of their related activities under such Act and any other law, including but not limited to the Energy Policy and Conservation Act.”.
- Ante, pp. 198, 199.** (c) Section 108 of such Act is further amended by adding at the end thereof the following new subsection:
- “(e) There is hereby established an Energy Conservation Subcommittee within the Council, which shall be chaired by the Administrator of the Energy Research and Development Administration, to discharge the responsibilities specified in subsection (b)(4) of this section and other related functions associated with the coordination and management of Federal efforts in the areas of energy conservation and energy conservation research, development and demonstration.”.
- 42 USC 6201 note.**
- Energy Conservation Subcommittee Establishment.**
- 42 USC 5818.**

RECORDS

SEC. 511. Each State or other entity within a State receiving Federal funds under this title shall make and retain such records as the Administrator shall require, including records which fully disclose the amount and disposition of such funds; the total cost of the facilities and activities for which such funds were given or used; the source and amount of any funds not supplied by the Administrator; and any data and information which the Administrator determines are necessary to protect the interests of the United States and to facilitate an effective financial audit and performance evaluation. Such record-keeping shall be in accordance with Federal Management Circular 74-7 (34 CFR part 256) and any modification thereto. The Administrator, or any of his duly authorized representatives, shall have access until the expiration of three years after the completion of the facilities or activities involved, to any books, documents, papers, and records or receipts which the Administrator deems to be related or pertinent, directly or indirectly, to any such Federal funds.

Maintenance and retention.
42 USC 7009.

APPROPRIATION AUTHORIZATION

SEC. 512. (a) There are authorized to be appropriated to the Director to carry out this title such sums as may be included in the annual authorization, for the fiscal year 1977 (as provided in section 101(7)(G) of title I of this Act), for the nonnuclear programs of the Energy Research and Development Administration.

Nonnuclear programs.
42 USC 7010.

(b) To the extent provided in the Act making the appropriation involved, any portion of the amount appropriated pursuant to subsection (a) for any fiscal year may be transferred by the Director, with the approval of the Administrator, to the head of any other Federal agency for payment to or expenditure within one or more States under sections 505 and 506 upon a determination by the Director that the existence of regular payment channels or administrative relationships between that agency and the State involved (or entities within such State) makes such transfer and such payment or expenditure administratively more efficient or effective or otherwise promotes the achievement of the objectives of this title; but no transfer of funds under this subsection shall result in any loss by the Director of any authority over program direction or control which is vested in him by this title.

Funds, transfer.

(c)(1) The total amount appropriated pursuant to subsection (a) for the initial implementation of the energy extension service (other than the portion thereof needed for administrative expenses and special State projects) shall be allocated among the participating States according to the amounts needed to implement their proposed initial programs.

Funds, allocation.

(2) The total amount appropriated pursuant to subsection (a) for any fiscal year (other than the portion thereof needed for administrative expenses and special State projects) shall be allocated among the States in accordance with the following formula:

Formula.

- (i) one-half shall be divided equally among all the States; and
- (ii) one-half shall be divided among the States in proportion to their respective populations, with each State being entitled to a sum that bears the same ratio to one-half of such total amount as such State's population (determined on the basis of the most

recent decennial census) bears to the total population of all the States (as so determined).

(3) During the fiscal year in which this title becomes effective, the Director shall provide funds in accordance with paragraph (1) of this subsection for the implementation of the energy extension service activities in the maximum number of States determined by the Director to be feasible with the total amount appropriated pursuant to subsection (a): *Provided*, That in no case shall such number be less than ten States.

DEFINITIONS

42 USC 7011.

SEC. 513. As used in this title, the term—

(1) “energy conservation” means energy conservation, efficient energy use and the utilization of renewable energy resources; and

(2) “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, or any territory or possession of the United States.

Approved June 3, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-224 (Comm. on Science and Technology).

SENATE REPORT No. 95-69 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 4, considered and passed Senate.

May 2, considered and passed House, amended.

May 13, Senate concurred in House amendment with amendments.

May 18, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 23:

June 3, Presidential statement.

Public Law 95-40
95th Congress

An Act

To make certain technical and miscellaneous amendments to provisions relating to vocational education contained in the Education Amendments of 1976.

June 3, 1977

[H.R. 3437]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Vocational Education Act of 1963 is amended as follows:

Vocational
Education Act of
1963,
amendments.
20 USC 2302.

(1) Section 102(a) of the Vocational Education Act of 1963 is amended by striking out "\$1,325,000" and inserting in lieu thereof "\$1,325,000,000", and by striking out "\$1,485,000" and inserting in lieu thereof "\$1,485,000,000".

(2) Section 102(d) of such Act is amended by inserting "and" after paragraph (2) and by striking out "; and, (4) State administration of vocational education programs assisted under this Act".

(3) Section 103(a)(1)(A) (as in effect on October 12, 1976, pursuant to section 204(a)(2)(B) of the Education Amendments of 1976) of such Act is amended by inserting "(b)(1)" immediately after "161".

20 USC 2303.

(4)(A) Section 103(a)(1)(B)(iii) of such Act is amended by striking out the last sentence and inserting in lieu thereof: "Beginning in the fiscal year 1979, the Bureau of Indian Affairs shall expend an amount equal to the amount made available under this subparagraph to pay a part of the costs of programs funded under this subparagraph. During each of the fiscal years covered by this subparagraph, the Bureau of Indian Affairs shall expend no less than the amount expended during the prior fiscal year on vocational education programs, services, and activities. The Commissioner and the Commissioner of Indian Affairs shall jointly prepare a plan for the expenditure of funds made available and for the evaluation of programs assisted under this subparagraph. Upon the completion of a joint plan for the expenditure of these funds and the evaluation of the programs, the Commissioner shall assume responsibility for the administration of the program, with the assistance and consultation of the Bureau of Indian Affairs."

Plan,
preparation.

Program
administration.

(B) Section 103(a)(1)(B)(iii) of such Act is further amended by striking out "which has contracted" in the first sentence and inserting in lieu thereof "which is eligible to contract".

(C) Section 103(c)(1)(B) of such Act is amended by inserting "the Northern Mariana Islands," immediately after "the Virgin Islands," in both places where that term occurs.

(5)(A) Section 105(a)(20) of such Act is amended by striking out "clauses of this paragraph" and inserting in lieu thereof "clauses of this sentence".

20 USC 2305.

(B) Section 105(d)(4)(A) of such Act is amended by inserting "special education," after "vocational rehabilitation,".

(6)(A) The first sentence of section 105(f)(1) of such Act is amended by striking out "\$8,000,000 for fiscal year 1982" and by inserting in lieu thereof "\$10,000,000 for fiscal year 1982".

(B) The second sentence of section 105(f)(1) of such Act is amended by inserting immediately after "State advisory councils" the following: "from amounts allotted to such advisory councils in

- accordance with the method for allotment contained in section 103 (a) (2).”
- 20 USC 2303. (C) The third sentence of section 105(f) (1) of such Act is amended by inserting “the Northern Mariana Islands,” immediately after “American Samoa.”
- 20 USC 2305. (7) Section 106(a) (8) of such Act is amended by inserting “)” after “under subpart 5 of this part”.
- 20 USC 2306. (8) Section 107(a) (1) (as in effect on October 12, 1976, pursuant to section 204(a) (2) (A) of the Education Amendments of 1976) of such Act is amended by inserting immediately before the period at the end of the first sentence thereof “in which the plan is submitted”, and in the fifth sentence thereof by striking out “(a)” and inserting in lieu thereof “(A)”, by striking out “(b)” and inserting in lieu thereof “(B)”, and by striking out “(c)” and inserting in lieu thereof “(C)”.
- 20 USC 2307. (9) Sections 110(a) and 110(b) (1) of such Act are amended to read as follows:
- 20 USC 2310. “SEC. 110. (a) For each fiscal year, at least 10 per centum of each State’s allotment under section 103 from appropriations made under section 102(a) shall be used to pay up to 50 per centum of the cost of programs, services, and activities under subpart 2 and of program improvement and supportive services under subpart 3 for handicapped persons.
- Ante*, p. 203. “(b) (1) For each fiscal year, at least 20 per centum of each State’s allotment under section 103 from appropriations made under section 102(a) shall be used to pay up to 50 per centum of the cost of programs, services, and activities under subpart 2 and of program improvement and supportive services under subpart 3 for disadvantaged persons (other than handicapped persons), for persons who have limited English-speaking ability, and for providing stipends authorized under section 120(b) (1) (G).”
- Ante*, p. 203. (10) Section 110(c) of such Act is amended to read as follows:
- 20 USC 2330. “(c) For each fiscal year, at least 15 per centum of each State’s allotment under section 103 from appropriations made under section 102(a) shall be used to pay up to 50 per centum of the cost of programs, services, and activities under subpart 2 and of program improvement and supportive services under subpart 3 for (1) persons who have completed or left high school and who are enrolled in organized programs of study for which credit is given toward an associate or other degree, but which programs are not designed as baccalaureate or higher degree programs, and (2) persons who have already entered the labor market, or are unemployed, or who have completed or left high school and who are not described in paragraph (1).”
- 20 USC 2311. (11) Section 111(a) (1) of such Act is amended by striking out “equal to” in the first place where that term occurs and inserting in lieu thereof “not to exceed” and by inserting immediately after “Islands” the following: “, the Northern Mariana Islands, Guam, the Virgin Islands.”
- (12) Section 111(a) (1) (B) of such Act is amended by striking out “section” and inserting in lieu thereof “sections” and by striking out “vocational education programs” and by inserting in lieu thereof “programs, services, and activities under subpart 2 and program improvement and supportive services under subpart 3”.
- (13) Section 111(a) (1) (C) of such Act is amended by striking out “described in sections 122(f), 133(b), and 140” and inserting in lieu thereof “provided in accordance with sections 122(f), 132(b), and 140 (b) (2)”.
- 20 USC 2332, 2352, 2370.

(14) Section 111(a)(1) of such Act is further amended by redesignating clause (C) as clause (D), by striking out “and” after clause (B), and by inserting immediately below clause (B) the following new clause:

20 USC 2311.

“(C) a part of the costs of supervision and administration of vocational education programs by an eligible recipient, except that such payment shall not exceed (i) a percentage of such costs equal to the percentage of the total costs of the vocational education program of such eligible recipient paid for from this section, or (ii) 50 per centum of such costs if the non-Federal share of such costs is paid by the State from appropriations for such purpose; and”

(15)(A) Section 111(a)(2)(A) of such Act is amended to read as follows: Payment.

“(2)(A) In addition, the Commissioner shall pay, from each State’s allotment under section 103 from appropriations made under section 102(a), an amount not to exceed the Federal share of the cost of State administration of such plans.” Ante, p. 203.

Ante, p. 203.

(B) Section 108(b)(1)(B)(i) of such Act is amended by inserting after the word “uses” the second time it appears in such section the following: “for State administration and”. 20 USC 2308.

(C) Section 108(b)(2)(B) of such Act is amended by inserting after the word “funds” the second time it appears in such section the following: “for State administration and”.

(D) Section 111(a) of such Act is amended by adding at the end thereof the following: Payment.

“(3) In addition, the Commissioner shall pay, from the amount available to each State from the amount appropriated under section 102(d), an amount not to exceed 100 per centum of the cost of carry-out the purposes described in such section 102(d).”

(16)(A) Section 111(a)(2)(B) of such Act is amended by striking out “for the fiscal year preceding fiscal year 1978” and by inserting in lieu thereof “for the latest fiscal year for which reliable data is available preceding fiscal year 1978”.

(B) Section 120(a) of such Act is amended by inserting immediately after “vocational education programs” the following: “and other programs, services, and activities operated”. 20 USC 2330.

(17)(A) Section 120(b)(1) of such Act is amended by striking out “and” at the end of clause (L), by striking out the period at the end of clause (M) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new clauses: Grants.

“(N) provision of vocational training through arrangements with private vocational training institutions where such private institutions can make a significant contribution to attaining the objectives of the State plan, and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public institutions; and

“(O) subject to the provisions of section 111, the costs of super- Supra.

vision and administration of vocational education programs by eligible recipients, and State administration of the five-year plan submitted pursuant to section 107 and of the annual program plan submitted pursuant to section 108, except that not more than 80 per centum of the amount of payments determined under section 111 for such purposes shall be made from grants under this subpart.” Ante, p. 204.

Supra.

20 USC 2332.

(B) Section 122(g) of such Act is amended by striking out “used for purposes of this section” and inserting in lieu thereof “made available under this section to accommodate students in nonprofit private schools”.

Grants.

20 USC 2350.

(C) Section 130(b) of such Act is amended by striking out “and” after paragraph (5), by striking out the period at the end of such section and inserting in lieu thereof “; and”, and by inserting immediately below paragraph (6) of such section the following new paragraph:

Ante, p. 204.

“(7) subject to the provisions of section 111, the costs of supervision and administration of vocational education programs by eligible recipients, and State administration of the five-year plan submitted pursuant to section 107 and of the annual program plan submitted pursuant to section 108, except that not more than 20 per centum of the amount of payments determined under section 111 for such purposes shall be made from grants under this subpart.”.

Ante, p. 204.*Ante*, p. 205.

20 USC 2351.

(18) (A) Section 131(a) of such Act is amended by striking out “coordination” and inserting in lieu thereof “coordinating”.

Contracts.

20 USC 2352.

(B) That portion of section 132(a) of such Act preceding paragraph (1) is amended to read as follows:

Supra.

“SEC. 132. (a) Funds available to the States under section 130(a) may be used for contracts by State research coordinating units pursuant to comprehensive plans of program improvement for the support of exemplary and innovative programs, including—”.

(C) Section 132(b) of such Act is amended by inserting immediately after “Federal funds” the following: “made available under this section to accommodate students in nonprofit private schools”.

Contracts.

20 USC 2353.

(19) That portion of section 133(a) of such Act preceding paragraph (1) is amended to read as follows:

“SEC. 133. (a) Funds available to the States under section 130(a) may be used for contracts by State research coordinating units pursuant to comprehensive plans of program improvement for the support of curriculum development projects, including—”.

20 USC 2354.

(20) Section 134(a) of such Act is amended by striking out “shall include” and by inserting in lieu thereof “shall include one or more of the following activities”.

20 USC 2391.

20 USC 2312.

(21) Section 161(a)(1) of such Act is amended by striking out “section 112” and by inserting in lieu thereof “section 112(b)”.

(22) Section 161(a)(3)(A) of such Act is amended by striking out “October 1, 1977” and by inserting in lieu thereof “October 1, 1978”.

20 USC 2391
note.

(23) Section 161(b)(1) (as in effect on October 12, 1976, pursuant to section 204(a)(2)(B) of the Education Amendments of 1976) of such Act is amended by inserting immediately after “in effect” in the second sentence the following: “on the date of the enactment of the Education Amendments of 1976 and”, and in clause (B) by striking out “September 30, 1977” and by inserting in lieu thereof “September 30, 1978”.

20 USC 2392.

(24) (A) Section 162(b)(4)(A) of such Act is amended by inserting “special education,” after “vocational rehabilitation,”.

Gifts, acceptance.

(B) Section 162(c) of such Act is amended by striking out “paragraph” in the first sentence thereof and inserting in lieu thereof “subsection”, and by adding at the end of such section the following new sentence: “The National Council may accept gifts if the acceptance of such gifts will better enable it to carry out its functions under this section.”.

(25) Sections 191 and 192 of such Act are each amended by striking out “part” and inserting in lieu thereof “subpart”, and such section 191 is further amended by striking out “August 2” and inserting in lieu thereof “August 12”. 20 USC 2441, 2442.

(26) (A) Section 195(7) of such Act is amended by striking out “crippled” and inserting in lieu thereof “orthopedically impaired” and by inserting immediately after “impaired persons” the following: “, or persons with specific learning disabilities,”. 20 USC 2461.

(B) Section 195(8) of such Act is amended by inserting “the Northern Mariana Islands,” immediately after “American Samoa,”.

(27) (A) Section 195(15) of such Act is amended by striking out “designating” and inserting in lieu thereof “designing”.

(B) Section 195(20) of such Act is amended by striking out “For the purposes of this Act, the” and inserting in lieu thereof “The”.

(C) Section 195 of such Act is amended by adding at the end thereof the following:

“Private vocational training institution.”

“(21) The term ‘private vocational training institution’ means a business or trade school, or technical institution or other technical or vocational school, in any State, which (A) admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution; (B) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; (C) has been in existence for two years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subsection; and (D) is accredited (i) by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this clause, or (ii) if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit schools of a particular category, by a State agency listed by the Commissioner pursuant to this clause, or (iii) if the Commissioner determines that there is no nationally recognized or State agency or association qualified to accredit schools of a particular category, by an advisory committee appointed by him and composed of persons specially qualified to evaluate training provided by schools of that category, which committee shall prescribe the standards of content, scope, and quality which must be met by those schools and shall also determine whether particular schools meet those standards. For the purpose of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations and State agencies which he determines to be reliable authority as to the quality of education or training afforded.”.

List, publication.

(28) (A) Section 107(b)(4) of the Comprehensive Employment and Training Act of 1973 is amended by inserting “special education,” after “vocational rehabilitation,”. 29 USC 817.

(B) Section 503(5) of the Comprehensive Employment and Training Act of 1973 is amended by inserting “special education,” after “vocational rehabilitation,”. 29 USC 953.

(29) Section 203 of the Education Amendments of 1976 is amended by adding at the end thereof the following: 90 Stat. 2213.

“(c)(1) Section 104 of the Vocational Education Amendments of 1968 is amended by adding before the period at the end thereof the following: ‘(as such Act will be in effect on October 1, 1977)’.” 20 USC 11 note.

“(2) The amendment made by this section shall be effective on and after October 1, 1977.”.

20 USC 2563. (30) The first sentence of section 523(b)(2) of the Education Amendments of 1976 is amended by striking out "September 30, 1979" and by inserting in lieu thereof "September 30, 1980" and by striking out "September 30, 1980" and by inserting in lieu there "September 30, 1981". The first sentence of such section 523(b)(2) is further amended by striking out everything which appears after "under this section".

(31) (A) Section 523(b)(3) of the Education Amendments of 1976 is amended by striking "section" at the end of the first sentence and by inserting in lieu thereof "subsection concerning the National Institute of Education", and the second sentence of such section is amended by striking "October 1, 1979" and by inserting in lieu thereof "October 1, 1981".

Effective date.
20 USC 2563
note.

(B) The amendments made by subparagraph (A) shall take effect on and after October 1, 1977.

20 USC 2301
note.

SEC. 2. Except where otherwise specifically indicated, any reference in the first section of this Act to the Vocational Education Act of 1963 means such Act as in effect on October 1, 1977.

Approved June 3, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-86 (Comm. on Education and Labor).

SENATE REPORT No. 95-142 (Comm. on Human Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 22, considered and passed House.

May 16, considered and passed Senate, amended.

May 18, House concurred in Senate amendments.

Public Law 95-41
95th Congress

An Act

To amend the Water Resources Planning Act (79 Stat. 244) as amended.

June 6, 1977

[H.R. 6752]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) the Water Resources Planning Act of 1965 (79 Stat. 244 as amended) is hereby further amended by deleting in section 401(c) the words: “not to exceed a total of \$10,000,000 for fiscal years 1976 and 1977” and inserting in lieu thereof “not to exceed the sum of \$3,905,000 for fiscal year 1978”.

Water Resources
Planning Act of
1965,
amendments.
42 USC 1962d.

(b) Section 401(a) of the Water Resources Planning Act (75 Stat. 244) is amended by deleting from the first sentence the word “annually” and inserting in lieu thereof the following “for fiscal year 1978”.

79 Stat. 253.

(c) Section 401(b) of the Water Resources Planning Act (75 Stat. 244) as amended, is further amended by deleting the word “annually” and inserting in lieu thereof the following “for fiscal year 1978”.

79 Stat. 253.

Approved June 6, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-307 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 95-192 accompanying S. 1530 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 17, considered and passed House.

May 25, considered and passed Senate, in lieu of S. 1530.

Public Law 95-42
95th Congress

An Act

June 10, 1977
[H.R. 5306]

To amend the Land and Water Conservation Fund Act of 1965, and for other purposes.

Land and Water
Conservation
Fund Act of
1965,
amendments.
16 USC 4601-4
note.
16 USC 4601-5.
Appropriation
authorization.
16 USC 4601-7.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Land and Water Conservation Fund Act of 1965 (78 Stat. 987), as amended (16 U.S.C. 4601-4 et seq.), is further amended as follows:

(1) Section 2(c) (1) is amended by deleting "\$600,000,000 for fiscal year 1978, \$750,000,000 for fiscal year 1979, and \$900,000,000 for fiscal year 1980" and inserting in lieu thereof "and \$900,000,000 for fiscal year 1978".

(2) Section 5 is amended by adding the following at the end thereof: "Those appropriations from the fund up to and including \$600,000,000 in fiscal year 1978 and up to and including \$750,000,000 in fiscal year 1979 shall continue to be allocated in accordance with this section. There shall be credited to a special account within the fund \$300,000,000 in fiscal year 1978 and \$150,000,000 in fiscal year 1979 from the amounts authorized by section 2 of this Act. Amounts credited to this account shall remain in the account until appropriated. Appropriations from the special account shall be available only with respect to areas existing and authorizations enacted prior to the convening of the Ninety-fifth Congress, for acquisition of lands, waters, or interests in lands or waters within the exterior boundaries, as aforesaid, of—

"(1) the national park system;

"(2) national scenic trails;

"(3) the national wilderness preservation system;

"(4) federally administered components of the National Wild and Scenic Rivers System; and

"(5) national recreation areas administered by the Secretary of Agriculture."

16 USC 4601-9.

(3) Section 7(a) is amended by adding the following new paragraph:

"(3) Appropriations allotted for the acquisition of land, waters, or interests in land or waters as set forth under the headings 'NATIONAL PARK SYSTEM; RECREATION AREAS' and 'NATIONAL FOREST SYSTEM' in paragraph (1) of this subsection shall be available therefor notwithstanding any statutory ceiling on such appropriations contained in any other provision of law enacted prior to the convening of the Ninety-fifth Congress; except that for any such area expenditures may not exceed a statutory ceiling during any one fiscal year by 10 per centum of such ceiling or \$1,000,000, whichever is greater. The Secretary of the Interior shall, prior to the expenditure of funds which would cause a statutory ceiling to be exceeded by \$1,000,000 or more, and with respect to each expenditure of \$1,000,000 or more in excess of such a ceiling, provide written notice of such proposed expenditure not less than thirty calendar days in advance to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate."

Notice to
congressional
committees.

(4) Section 7(b) is amended by changing the period at the end thereof to a colon and adding the following: "*Provided, however,* That appropriations from the fund may be used for preacquisition work in instances where authorization is imminent and where substantial monetary savings could be realized."

16 USC 460l-9.

(5) Section 7 is amended by adding the following new subsection:

"(c) BOUNDARY CHANGES: DONATIONS.—Whenever the Secretary of the Interior determines that to do so will contribute to, and is necessary for, the proper preservation, protection, interpretation, or management of an area of the national park system, he may, following timely notice in writing to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate of his intention to do so, and by publication of a revised boundary map or other description in the Federal Register, (i) make minor revisions of the boundary of the area, and moneys appropriated from the fund shall be available for acquisition of any lands, waters, and interests therein added to the area by such boundary revision subject to such statutory limitations, if any, on methods of acquisition and appropriations thereof as may be specifically applicable to such area: *Provided, however,* That such authority shall expire ten years from the date of enactment of the authorizing legislation establishing such boundaries; and (ii) acquire by donation, purchase with donated funds, transfer from any other Federal agency, or exchange, lands, waters, or interests therein adjacent to such area, except that in exercising his authority under this clause (ii) the Secretary may not alienate property administered as part of the national park system in order to acquire lands by exchange, the Secretary may not acquire property without the consent of the owner, and the Secretary may acquire property owned by a State or political subdivision thereof only by donation. Prior to making a determination under this subsection, the Secretary shall consult with the duly elected governing body of the county, city, town, or other jurisdiction or jurisdictions having primary taxing authority over the land or interest to be acquired as to the impacts of such proposed action, and he shall also take such steps as he may deem appropriate to advance local public awareness of the proposed action. Lands, waters, and interests therein acquired in accordance with this subsection shall be administered as part of the area to which they are added, subject to the laws and regulations applicable thereto."

Notice to congressional committees. Publication in Federal Register.

Consultation.

Administration.

Land acquisition.

SEC. 2. (a) (1) For the purpose of improving the effectiveness and efficiency of the management of the Roosevelt National Forest, Colorado, and coordinating the acquisition of lands within the forest which are suitable for such management with the acquisition of lands for parks and recreation purposes pursuant to subsection (b) of this section, the Secretary of Agriculture is authorized to acquire those privately owned lands within the boundaries of the forest which are suitable for national forest purposes and which were adversely affected by the Big Thompson flood of July 31, 1976, and such other adjacent private lands within the boundaries of the forest as are available and suitable for national forest purposes.

Fair market
value.

42 USC 4001
note.

(2) Lands identified for acquisition pursuant to paragraph (1) of this subsection which lie within the Big Thompson/North Fork Floodways, designated pursuant to the National Flood Insurance Act of 1968 (82 Stat. 572), as amended, shall be acquired at the fair market value of such lands (not including any improvements thereon) immediately prior to the occurrence of the flood: *Provided*, That such lands shall (i) be unimproved, or (ii) include structures which have sustained damage amounting to 50 per centum or more of their market value.

(3) Lands identified for acquisition pursuant to paragraph (1) of this subsection which are not lands described in paragraph (2) of this subsection shall be acquired at no less than appraised fair market value based on an appraisal of each parcel of such lands approved by the Secretary of Agriculture under the authority of section 11 of the Act of August 3, 1956 (70 Stat. 1034, U.S.C. 428a (a)).

Funds,
availability.

(4) Moneys appropriated to carry out this subsection shall be available until expended or until January 1, 1980, whichever is earlier.

16 USC 4601-8.
16 USC 4601-4.

(b) Notwithstanding any other provision of law, in the case of lands acquired for the Big Thompson/North Fork Canyons Recreational Lands Acquisition Project in Larimer County, Colorado, for which financial assistance is authorized under section 6(e)(1) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 987, as amended; 16 U.S.C. 4601-4 et seq.), if such lands are located within the Big Thompson/North Fork Floodways and are (i) unimproved or (ii) include structures which have sustained damage amounting to 50 per centum or more of their market value, such assistance may be provided for an amount equal to the market value of such lands (not including any improvements thereon) immediately prior to the occurrence of the Big Thompson flood of July 31, 1976.

Approved June 10, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-156 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 95-162 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 4, considered and passed House.

May 18, considered and passed Senate, amended.

May 25, House concurred in certain Senate amendments; concurred with amendment in another.

May 26, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 25:

June 11, Presidential statement.

Public Law 95-43
95th Congress

An Act

To make certain technical and miscellaneous amendments to provisions relating to higher education contained in the Education Amendments of 1976.

June 15, 1977
[H.R. 6774]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Higher Education Act of 1965 is amended as follows:

Higher Education
Act of 1965,
amendments.
20 USC 1003.

(1) Section 103(a) of the Higher Education Act of 1965 is amended by striking out "July 1, 1975" and inserting in lieu thereof "July 1, 1974".

(2) Section 104 of such Act is amended by striking out the comma after "material sharing programs". 20 USC 1004.

(3) Section 105(a)(6) of such Act is amended by inserting "provide" immediately before "assurances". 20 USC 1005.

(4) Section 133(a)(7) of such Act is amended by striking out "Commissioner's" and inserting in lieu thereof "Assistant Secretary's". 20 USC 1015b.

(5) (A) Section 411(b)(3)(B) of the Act is amended by redesignating divisions (ii), (iii), and (iv) as divisions (iii), (iv), and (v), respectively, and by inserting after division (i) the following: 20 USC 1070a.

"(ii) If, during any fiscal year, funds available for making payments under this subpart exceed the amount necessary to make the payments prescribed in division (i), such excess shall be paid with respect to each entitlement under this subpart in proportion to the degree to which that entitlement is unsatisfied."

(B) Subparagraphs (A) and (B) of section 411(b)(4) of the Act are each amended by inserting ", at the end of a fiscal year," after "If".

(6) Section 415C(b)(4) of such Act is amended by striking out "July 1, 1977" and inserting in lieu thereof "October 1, 1978". 20 USC 1070c-2.

(7) Section 415E of such Act is amended by striking out "having an agreement under section 428(b)" and inserting in lieu thereof "operating, through an agency of the State or through a nonprofit private institution or organization designated by a State, a program under section 428(b)". 20 USC 1070c-4.
Post, p. 215.

(8) Section 421(a) of such Act is amended by striking out "428(c)(1)(A)" and inserting in lieu thereof "428(a)(1)(C)". 20 USC 1071.

(9) Sections 421(b)(3) and 427(a)(2)(E) of such Act are each amended by striking out the period at the end thereof and inserting in lieu thereof a comma. 20 USC 1077.

(10) Section 421(c)(1) of such Act is amended by inserting "(whether operated by an agency of the State or by a nonprofit private institution or organization designated by the State)" after "by each State".

(11) Section 422(c)(2) of such Act is amended— 20 USC 1072.

(A) in subparagraph (A)—

(i) by striking out "the greater of (i) \$50,000, or (ii)";

(ii) by inserting "of loans made by lenders and" after "10 per centum of the principal amount";

(B) in subparagraph (B), by inserting at the end thereof the following new sentence: "Notwithstanding subparagraph (A) and the preceding sentence of this subparagraph, but subject to subparagraph (D) of this paragraph, the amount of any advance

to a State described in paragraph (5) (A) for the first year of its eligibility under such paragraph, and the amount of any advance to any State described in paragraph (5) (B) for each year of its eligibility under such paragraph, shall not be less than \$50,000.”; and

(C) by adding after subparagraph (C) the following new subparagraph:

“(D) If the sums appropriated for any fiscal year for paying the amounts determined under subparagraphs (A) and (B) are not sufficient to pay such amounts in full, then such amounts shall be reduced—

“(i) by ratably reducing that portion of the amount allocated to each State which exceeds \$50,000; and

“(ii) if further reduction is required, by equally reducing the \$50,000 minimum allocation of each State.

If additional sums become available for paying such amounts for any fiscal year during which the preceding sentence has been applied, such reduced amounts shall be increased on the same basis as they were reduced.”.

20 USC 1072. (12) Section 422(c) (5) (B) of such Act is amended by inserting after “effective date of this subsection” the following: “or which is not actively carrying on a program under an agreement pursuant to such section on such date”.

20 USC 1073. (13) Section 422(c) (6) (B) (iii) of such Act is amended by inserting “eligible” immediately before “institution” each place it appears.

(14) Section 423(b) of such Act is amended by striking out “or” at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting in lieu thereof “, or”, and by adding after such paragraph the following:

“(3) under such circumstances as may be approved by the State or nonprofit private institution or organization in such State with which the Commissioner has an agreement under section 428(b), for the insurance of a loan to a borrower for whom such lender previously was issued such a certificate if the loan covered by such certificate is not yet repaid.”.

20 USC 1075. (15) Section 425(a) (1) (A) of such Act is amended—

(A) by striking out “a loan to a student who is or will be in his first year of a program of undergraduate education” and inserting in lieu thereof “loans to a student for his first academic year of a program of postsecondary education”;

(B) by striking out “program which is” and inserting in lieu thereof “program, which are”;

(C) by striking out “or which is” and inserting in lieu thereof “or which are”; and

(D) by striking out “the loan” and inserting in lieu thereof “the total of such loans”.

(16) Section 425(a) (1) (B) of such Act is amended by striking out “to a student for his first academic year of postsecondary education” and inserting in lieu thereof “to such a first-year student”.

(17) Section 425(a) (1) of such Act is amended by inserting after the last sentence thereof the following: “For the purpose of clause (B), all loans made within any period of 90 days shall be considered a single loan.”.

20 USC 1077. (18) Section 427(a) (2) (G) of such Act is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a comma.

20 USC 1078. (19) The last sentence of section 428(a) (8) (A) of such Act is amended by striking out “over the course of the academic year” and inserting in lieu thereof “over the period of enrollment for which the loan is made”.

- (20) Section 428(a) (9) of such Act is amended—
 (A) by inserting “a determination must be made as to whether” after “for which”;
 (B) by striking out “the determinations to be made (except the determinations of good standing)” and inserting in lieu thereof “the determination to be made”; and
 (C) by striking out “(2) (A) (i) and”.
- (21) Section 428(b) (1) (A) of such Act is amended—
 (A) by inserting “in any academic year or its equivalent (as determined under regulations of the Commissioner)” after “(A) authorizes the insurance”;
 (B) in division (i)—
 (i) by striking out “a loan which is made” and inserting in lieu thereof “loans which are made”;
 (ii) by striking out “or which is” and inserting in lieu thereof “or which are”; and
 (iii) by striking out “to a student who has not successfully completed a program of undergraduate education in an amount in excess” and inserting in lieu thereof “to a student for his first academic year of a program of postsecondary education, and who has not previously enrolled in such a program, in an amount in excess of the lesser”;
 (C) in division (ii), by striking out “to a student for his first academic year of postsecondary education” and inserting in lieu thereof “to such a first-year student”; and
 (D) by inserting immediately before the semicolon at the end thereof the following: “, and all loans issued within any period of 90 days shall be considered as a single loan for purposes of division (ii)”.
- (22) Section 428(b) (1) of such Act is amended—
 (A) by inserting “and” at the end of subparagraph (O);
 (B) by striking out subparagraph (P); and
 (C) by redesignating subparagraph (Q) as subparagraph (P).
- (23) Subparagraph (C) of section 428(c) (1) of such Act is amended—
 (A) by striking out “insured by it” and inserting in lieu thereof “made by a lender which are insured by such an institution or organization”; and
 (B) by inserting “and” at the end of clause (ii), and by striking out “, and” at the end of clause (iii) and the remainder of such subparagraph and inserting in lieu thereof a period.
- (24) Section 428(c) (5) of such Act is amended—
 (A) by striking out “entered into prior to September 1, 1969”; and
 (B) by striking out “in effect on that date” and everything that follows through “the Commissioner may” and inserting in lieu thereof “an agreement pursuant to subsection (b) of this section, the Commissioner may”.
- (25) Section 428(c) (6) of such Act is amended—
 (A) in subparagraph (A), by inserting “and for the purpose of section 428A(b) (5)” after “For the purpose of paragraph
 (2) (D)” and by striking out “pursuant to such paragraph”;
 (B) in subparagraph (A) (ii)—
 (i) by striking out “of the loan” and inserting in lieu thereof “of loans reimbursed under this subsection”;
 (ii) by striking out “reimbursed pursuant to subsection (f)”; and

20 USC 1078.

20 USC 1078-1.

- (iii) by inserting immediately before the period at the end thereof "and have not been reimbursed under subsection (f)"; and
- (C) in subparagraph (B) (i), by striking out "costs of collection of the loan" and inserting in lieu thereof "costs of collection of loans".
- 20 USC 1078. (26) Section 428(c) (7) (A) (ii) of such Act is amended by striking out "guarantee agreement under this subsection" and by inserting in lieu thereof "guarantee agreement under subsection (b) of this section".
- (27) Section 428(f) (1) is amended—
- (1) by striking out "Each" in subparagraph (B) and inserting in lieu thereof "Except as provided in subparagraph (C), each"; and
- (2) by inserting after such subparagraph (B) the following:
- Ante*, p. 214. "(C) For any State which is eligible to receive a reserve fund advance under section 422(c) (5) (B), the spending minimum required by subparagraph (B) with respect to purposes described in clauses (ii) and (iii) of subparagraph (A) shall, for the first year of such eligibility, not be applicable and shall, for the second and third years of such eligibility, be an amount equal to 20 per centum of the payments received under this paragraph."
- (28) Paragraph (2) of section 428(f) of such Act is amended by striking out "(2) (A)" and inserting in lieu thereof "(2)", and by striking out subparagraph (B).
- (29) Section 428(f) (3) (A) of such Act is amended by striking out the period at the end thereof and inserting in lieu thereof a comma.
- 20 USC 1078-1. (30) Paragraphs (1) (A) and (2) (A) of section 428A(a) of such Act are each amended by inserting "who is carrying at an eligible institution at least one-half the normal full-time academic workload (as determined under regulations of the Commissioner)" after "to any individual student" and by inserting "not" immediately before "successfully completed".
- (31) Paragraphs (1) and (2) of section 428A(a) of such Act are each amended by striking out clause (C) and by inserting in lieu thereof, in each such paragraph, the following:
- Eligible lenders*. "(C) with respect to lenders which are eligible institutions, provides for the insurance of loans by only such institutions as are located within the geographic area served by such State or nonprofit private institution or organization;"
- (32) Section 428A(b) (5) of such Act is amended by inserting, within the parentheses, "consistent with section 428(c) (6)" after "regulations prescribed by the Commissioner".
- 20 USC 1080. (33) Section 430(a) of such Act is amended by striking out "interest accrued" and inserting in lieu thereof "accrued interest, including interest accruing".
- 20 USC 1083. (34) Section 433(a) (2) of such Act is amended by inserting "clause (A) of" immediately before "paragraph (1)".
- 20 USC 1085. (35) Section 435(g) (1) (B) of such Act is amended by striking out "Employees" and inserting in lieu thereof "Employee".
- (36) Section 435(g) (3) of such Act is amended by striking out "the amount of the loan described in section 428(a) (1) made" and inserting in lieu thereof "the total amount of such loans as are described in section 428(a) (1) made by the institution".
- 20 USC 1087-1. (37) Section 438 of such Act is amended—
- (A) by striking out "unpaid balance of disbursed principal" in subsection (b) (1) and inserting in lieu thereof "average unpaid balance of principal";

- (B) by striking out “and” at the end of clause (ii) of subsection (b) (2) (A) and by inserting immediately before the period at the end of clause (iii) of such subsection the following new clause: “, and (iv) by dividing the resultant per centum by four”;
- (C) by striking out “subparagraph (4)” in subsection (b) (2) (C) and inserting in lieu thereof “paragraph (4)”;
- (D) by striking out “paragraph (3)” in subsection (b) (4) (B) and inserting in lieu thereof “paragraph (2)”;
- (E) by striking out “subparagraph” in subsection (b) (4) (C) and inserting in lieu thereof “paragraph”; and
- (F) by redesignating the matter following paragraph (5) of subsection (b) as paragraph (6) and by striking out, in such matter, “subsection (a)” and inserting in lieu thereof “this subsection”.
- (38) Section 439(b) (1) of the Act is amended by inserting “and citizen” after “resident”. 20 USC 1087-2.
- (39) Section 464(c) (2) of such Act is amended by striking out “title VIII of the Economic Opportunity Act of 1964” and inserting in lieu thereof “the Domestic Volunteer Act of 1973”. 20 USC 1087dd.
42 USC 4951
note.
- (40) (A) The first sentence of section 493(a) of such Act is amended by— 20 USC 1088b.
- (i) striking out “part A or C” and inserting in lieu thereof “subpart 2 of part A, part C, or part E”;
- (ii) striking out “either” and inserting in lieu thereof “any”;
- and
- (iii) striking out “in lieu of reimbursement for its expenses during such fiscal year in administering programs assisted under such part” and inserting in lieu thereof “for the purposes set forth in subsection (c)”.
- (B) The second sentence of such section 493(a) is amended by adding before the period at the end thereof a comma and the following: “plus (C) the principal amount of loans made during such fiscal year from its student loan fund established under part E”.
- (C) Section 493(b) of such Act is amended to read as follows:
- “(b) The aggregate amount paid to an institution for a fiscal year under this section may not exceed \$325,000.”.
- (41) Section 497A(c) of such Act is amended by striking out “paragraph (a) (3)” and inserting in lieu thereof “subsection (a) (4)”. 20 USC 1088f-1.
- (42) Section 533(a) (2) of such Act is amended by striking out “section 532 of this title” and inserting in lieu thereof “section 406(d) (1) (D) of the General Education Provisions Act”. 20 USC 1119a-1.
20 USC 1226.
- (43) Section 771 of such Act is amended— 20 USC 1132d-11.
- (A) by striking out “grants from funds appropriated under section 721(b),” in subsection (a);
- (B) by striking out “In determining” each place it appears in subsection (b) and inserting in lieu thereof “In establishing criteria for determining”; and
- (C) by adding at the end thereof the following new subsections: Grants and loans.
- “(d) Grants and loans awarded for the purposes of this part shall not be subject to the provisions of subsections (a) and (b) of section 781. The Commissioner shall, with respect to each such grant or loan, determine the period which shall be deemed to be the period of Federal interest in the facility reconstructed or renovated. If, within such period, such facility ceases to be used as an academic facility, the United States shall recover from the applicant (or its successor in title Post, p. 218.

- or possession) an amount representing the depreciated value of the improvements made with such grant or loan, determined in accordance with the procedures set forth in the last sentence of section 781(b).
- Funds.
20 USC 1132a. “(e) Funds appropriated under section 701(b) available for grants under this part may be used for graduate and undergraduate facilities and may be used without regard to whether such funds will increase or create enrollment capacity, health care capacity, or capacity to carry out extension and containing education programs.”
- 20 USC 1132e. (4) Section 781 of such Act is amended by striking out “, reconstruction, or renovation” each place it appears in such section and by striking out “reconstructed or renovated” each place it appears in subsections (a) and (b) of such section.
- 20 USC 1005. (b)(1) Section 101(b) of the Education Amendments of 1976 is amended by striking out paragraph (5)(A) and by redesignating paragraph (5)(B) as paragraph (5).
- (2) Paragraph (6)(A) of section 101(b) of such Amendments is amended by striking out “institution” and inserting in lieu thereof “institutions”.
- 20 USC 1070c. (3) Section 123(a) of such Amendments is amended by striking out “by adding at the end thereof the following new paragraph:” and inserting in lieu thereof “by amending paragraph (3) to read as follows:”.
- 20 USC 1071
note. (4) Section 127(b) of such Amendments is amended—
(A) by striking out paragraph (1) and inserting in lieu thereof the following:
“(1) The changes made in—
“(A) sections 425(a) (other than paragraphs (1) (A) and (B) thereof) and 428(b)(1)(A) other than divisions (i) and (ii) thereof, and sections 427(a)(1)(C) and 428(b)(1)(B) shall become applicable with respect to loans to cover the costs of education for periods of enrollment beginning on or after October 1, 1976;
“(B) sections 425(a)(1) (A) and (B) and 428(b)(1) (A) (i) and (ii) shall become applicable with respect to loans made on or after February 12, 1977, to cover such costs for such periods beginning on or after November 12, 1976;
“(C) sections 427(a)(2) (G) and (H) and 428(b)(1) (N), (O), and (P) shall become applicable with respect to loans made on or after June 1, 1977;” and
(B) in paragraph (5), by inserting “on or after February 12, 1977” after “loans made”, and by striking out “October 1, 1976” and inserting in lieu thereof “November 12, 1976”.
- 90 Stat. 2153. (5) Section 153 of such Amendments is amended by striking out “(a)” after “SEC. 153.”.
- 20 USC 1132c-4. (6) Section 162(g) of such Amendments is amended by striking out “(1)” after “(g)” and by striking out paragraph (2).
- 90 Stat. 2167. (7) Section 181 of such Amendments is amended by inserting “(a)” after “SEC. 181.” and by adding at the end thereof the following:
“(b) Neither the amendment made by subsection (a) of this section nor the amendment made to section 435(b)(1) of the Act (by section 127(a) of this Act) shall be construed to authorize terminating the eligibility of an institution which was deemed to be an institution of higher education for purposes of sections 435(b)(1) and 1201 (a) on the date of enactment of this Act. The preceding sentence of this section shall not be construed to impair the authority of the Commissioner to limit, suspend, or terminate such eligibility for the reasons and as provided by section 497 of the Act.”.
- 20 USC 1141
note.
20 USC 1085.
90 Stat. 2099.
20 USC 1141.
20 USC 1088f.

(8) Section 343(a)(1) of such Amendments is amended by striking out “this section” and inserting in lieu thereof “this part”. 20 USC 2533.

(c) Section 604 of the National Defense Education Act of 1958 is amended by striking out “October 1, 1977” and inserting in lieu thereof “October 1, 1979.” 20 USC 513.

(d) Section 448 of the General Education Provisions Act is amended by striking out “March 31” and inserting in lieu thereof “June 30”. 20 USC 1233g.

SEC. 2. (a) Except as provided in subsection (b), the amendments made by the first section of this Act shall take effect October 12, 1976. Effective date. 20 USC 1071 note.

(b)(1) Except as provided in paragraph (2), amendments made by the first section of this Act to part B of title IV of the Higher Education Act of 1965 shall take effect as provided by subsection (b) of section 127 of the Education Amendments of 1976, as amended by this Act, and shall, for purposes of such subsection, collectively be deemed to be an amendment made by subsection (a) of such section. 20 USC 1071.

(2) The amendments made by paragraphs (17), (20), and (21) (D) of subsection (a) of the first section of this Act shall take effect thirty days after the date of its enactment. No determination made pursuant to section 428(a)(9) of the Higher Education Act of 1965 as in effect between September 30, 1976, and such thirtieth day after enactment of this Act shall be invalid if such determination, at a minimum, complies with such section as amended by such paragraph (20). 20 USC 1071 note. 20 USC 1078.

Approved June 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-269 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 123 (1977):

May 9, considered and passed House.

May 25, considered and passed Senate, amended.

June 1, House concurred in Senate amendments.

Public Law 95-44
95th Congress

An Act

June 15, 1977
[H.R. 2992]

To authorize appropriations for fiscal year 1978 for carrying out the Comprehensive Employment and Training Act of 1973 as amended.

Comprehensive
Employment and
Training Act
Amendments of
1977.
29 USC 801
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the “Comprehensive Employment and Training Act Amendments of 1977”.

AUTHORIZATION FOR FISCAL YEAR 1978

29 USC 802. SEC. 2. (a) Section 4(a) of the Comprehensive Employment and Training Act of 1973, as amended, is amended by striking out “three succeeding fiscal years” and inserting in lieu thereof “four succeeding fiscal years”.

29 USC 961. (b) Section 601 of such Act is amended by inserting after “fiscal year 1977” the words “and for fiscal year 1978”.

29 USC 967. (c) Section 607(a) of such Act is amended by inserting after “fiscal year 1977” the words “and fiscal year 1978”, and by inserting the word “each” before “such fiscal year” both places such language appears therein.

Approved June 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-123 (Comm. on Education and Labor).

SENATE REPORT No. 95-174 (Comm. on Human Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 29, considered and passed House.

May 25, considered and passed Senate, amended.

June 3, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 25:

June 16, Presidential statement.

Public Law 95-45
95th Congress

An Act

To authorize additional appropriations for the Department of State for fiscal year 1977.

June 15, 1977
[H.R. 5040]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of
State.
Appropriation
authorization.

ADDITIONAL AUTHORIZATION FOR INTERNATIONAL ORGANIZATIONS AND
CONFERENCES AND FOR MIGRATION AND REFUGEE ASSISTANCE

SECTION 1. Section 101(a) of the Foreign Relations Authorization Act, Fiscal Year 1977, is amended—

90 Stat. 823.

(1) in paragraph (2) by striking out “\$342,460,453” and inserting in lieu thereof “\$402,460,453”; and

(2) in paragraph (5) by striking out “\$10,000,000” and inserting in lieu thereof “\$28,725,000”.

ASSISTANCE FOR AMERICANS INCARCERATED ABROAD

SEC. 2. Section 3 of the Act entitled “An Act to provide certain basic authority for the Department of State”, approved on August 1, 1956 (22 U.S.C. 2670), is amended by—

(1) striking out “and” at the end of subsection (h) ;

(2) striking out the period at the end of subsection (i) and inserting in lieu thereof a semicolon and “and”; and

(3) inserting at the end thereof the following new subsection:

“(j) provide emergency medical attention and dietary supplements, and other emergency assistance, for United States citizens incarcerated abroad who are unable to obtain such services otherwise, such assistance to be provided on a reimbursable basis to the extent feasible.”.

Emergency
assistance.

ADDITIONAL AUTHORIZATION FOR FOREIGN SERVICE BUILDINGS ACT

SEC. 3. Section 4(h) (1) of the Foreign Service Buildings Act, 1926, is amended by striking out subparagraphs (A) through (G) and inserting in lieu thereof the following:

22 USC 295.

“(A) for use in Europe, not to exceed \$225,000 for fiscal year 1977;

“(B) for use in the Near East and South Asia, not to exceed \$12,885,000, of which not to exceed \$3,985,000 may be appropriated for fiscal year 1976;

“(C) for facilities for the United States Information Agency, not to exceed \$3,400,000, of which not to exceed \$2,800,000 may be appropriated for fiscal year 1976;

“(D) for facilities for agricultural and defense attaché housing, not to exceed \$150,000 for fiscal year 1977; and

“(E) for facilities for the United States Agency for International Development, not to exceed \$17,200,000 for fiscal year 1977; and”.

DELEGATIONS TO CERTAIN INTERPARLIAMENTARY GROUPS

SEC. 4. (a) The first section of the joint resolution entitled "Joint resolution to authorize participation by the United States in parliamentary conferences with Canada", approved June 11, 1959 (22 U.S.C. 276d), is amended—

(1) in the second sentence of the first paragraph, by striking out "Foreign Affairs" and inserting in lieu thereof "International Relations"; and by inserting "upon recommendations of the majority and minority leaders of the Senate" immediately after "President of the Senate";

(2) in the second paragraph, by striking out "Foreign Affairs" and inserting in lieu thereof "International Relations"; and

Chairmen of
congressional
delegations.

(3) by adding at the end thereof the following new paragraph: "The Chairman or Vice Chairman of the House delegation shall be a Member from the International Relations Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee."

(b) The first section of the joint resolution entitled "Joint resolution to authorize participation by the United States in parliamentary conferences with Mexico", approved April 9, 1960 (22 U.S.C. 276h), is amended—

(1) in the second sentence, by striking out "Foreign Affairs" and inserting in lieu thereof "International Relations"; and by inserting "upon recommendations of the majority and minority leaders of the Senate" immediately after "President of the Senate";

(2) in the third sentence, by striking out "Foreign Affairs" and inserting in lieu thereof "International Relations"; and

Chairmen of
congressional
delegations.

(3) by adding at the end thereof the following new sentence: "The Chairman or Vice Chairman of the House delegation shall be a Member from the International Relations Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee."

(c) The first section of the joint resolution entitled "Joint Resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization", approved July 11, 1956 (22 U.S.C. 1928a), is amended—

(1) in the first sentence, by striking out "eighteen" and inserting in lieu thereof "twenty-four";

(2) in the second sentence, by inserting "(not less than four of whom shall be from the Committee on International Relations)" immediately after "Members of the House", and by inserting "upon recommendations of the majority and minority leaders of the Senate" immediately after "President of the Senate";

(3) by amending the third sentence to read as follows: "Not more than seven of the appointees from the Senate shall be of the same political party."; and

Chairmen of
congressional
delegations.

(4) by adding the following new sentence at the end of the section: "The Chairman or Vice Chairman of the House delegation shall be a Member from the International Relations Committee, and, unless the President of the Senate, upon the

recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee.”

(d) (1) The second sentence of the first section of the Act entitled “An Act to authorize participation by the United States in the Interparliamentary Union”, approved June 28, 1935 (22 U.S.C. 276), is amended by striking out “president and the executive secretary of the American group” and inserting in lieu thereof “Chairman of the House delegation in the case of delegates from the House of Representatives or the Chairman of the Senate delegation in the case of delegates from the Senate, except that either such Chairman may authorize the executive secretary of the American group to approve such vouchers on his behalf”.

(2) Section 3 of such Act (22 U.S.C. 276a-1) is amended to read as follows:

“Sec. 3. There shall be not to exceed twelve delegates from the House of Representatives (at least four of whom shall be from the Committee on International Relations) to each Conference of the Interparliamentary Union, such delegates to be appointed by the Speaker of the House of Representatives. The Chairman or Vice Chairman of the House delegation shall be a member from the Committee on International Relations. The Speaker shall designate the Chairman and the Vice Chairman of the House delegation for each such Conference.”

(3) Such Act is further amended by adding at the end thereof the following new sections:

“Sec. 4. Senate delegates to each conference of the Interparliamentary Union, and to all other parliamentary conferences, shall be designated by the President of the Senate upon recommendations of the majority and minority leaders of the Senate. Unless the President of the Senate, upon the recommendation of the majority leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee. Not fewer than two Senators designated to be in the Senate delegation to each conference of the Interparliamentary Union shall be members of the Committee on Foreign Relations.

“Sec. 5. After December 31, 1977, the executive secretary of the American group of the Interparliamentary Union shall be an officer or employee of the Senate or the House of Representatives and shall be appointed—

“(1) by the Chairman of the Senate delegation upon recommendations of the majority and minority leaders of the Senate for service during odd-numbered Congresses; and

“(2) by the Chairman of the House delegation for service during even-numbered Congresses.

“Sec. 6. The certificate of the Chairman of the respective delegation to the Interparliamentary Union (or the certificate of the executive secretary of the American group if the Chairman delegates such authority to him) shall be final and conclusive upon the accounting officers in the auditing of all accounts of the House and Senate delegations to the Interparliamentary Union.”

(4) The second sentence of the nineteenth undesignated paragraph under the general heading “DEPARTMENT OF STATE” in title I of the Third Deficiency Appropriation Act, fiscal year 1937 (22 U.S.C. 276b) is deleted.

House of
Representatives
delegates.

Chairman.

Senate delegates.

22 USC 276a-2.

Chairman.

Executive
secretary,
appointment.
22 USC 276a-3.

Certificate
22 USC 276a-4.

INTERNATIONAL AGREEMENTS

Text, transmittal
to State
Department.

SEC. 5. (a) Section 112b, title I, United States Code, is amended by adding at the end thereof the following: "Any department or agency of the United States Government which enters into any international agreement on behalf of the United States shall transmit to the Department of State the text of such agreement not later than twenty days after such agreement has been signed."

(b) The second sentence of such section is amended by deleting the words "Foreign Affairs" and inserting in lieu thereof the words "International Relations".

Approved June 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-84 (Comm. on International Relations).

SENATE REPORT No. 95-99 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 24, considered and passed House.

May 11, considered and passed Senate, amended.

May 26, House concurred in certain Senate amendments; concurred with amendment in another; Senate agreed to House amendment.

Public Law 95-46
95th Congress

An Act

To authorize appropriations for continuation of construction of distribution systems and drains on the San Luis Unit, Central Valley project, California, to mandate the extension and review of the project by the Secretary, and for other purposes.

June 15, 1977

[H.R. 4390]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated for fiscal year 1978, and to be committed for expenditure by the Secretary notwithstanding any other provision of law or contract, the sum of \$31,050,000 for continuation of construction of distribution systems and drains on the San Luis Unit, Central Valley Project, California. No funds shall be expended by the Secretary prior to his obtaining a pledge of the Board of Directors of the Westlands Water District, and any other affected districts, indicating their intention to repay costs associated with construction authorized by this Act.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") shall, within thirty days after enactment of this section, establish a task force to review the management, organization, and operations of the San Luis Unit to determine the extent to which they conform to the purposes and intent of the Act of June 3, 1960 (74 Stat. 156) and the Act of June 17, 1902 (32 Stat. 388). The task force, in conducting its review, shall hold no fewer than three public hearings, at least two of which shall be held within the State of California. Members of said task force shall include, among others, the Commissioner of Reclamation, the Assistant Secretary of the Interior for Land and Water, the Solicitor of the Department of the Interior, the Comptroller General of the United States, or their representatives, members of the general public, representatives of the State of California, and the Westlands Water District. The Secretary shall appoint a task force chairman who shall set the dates of hearings, meetings, workshops, and other official task force functions in carrying out the purposes of this Act. The Secretary is authorized and directed to finance from funds available to him the reasonable expenses of the task force created by this section. The task force shall dissolve on January 1, 1978.

(b) The task force shall submit to the chairmen of the House Committee on Interior and Insular Affairs, and the Senate Committee on Energy and Natural Resources, no later than January 1, 1978, a report on the San Luis Unit, including—

(1) a detailed accounting of funds expended for planning or construction of facilities utilized by landowners within the San Luis Unit, and the specific legislative authority for each feature of the project;

(2) an analysis of the compatibility of the present design and plan of the San Luis Unit with the original feasibility report, environmental impact statement, and cost estimates;

Central Valley
project, San Luis
Unit, Calif.
Appropriation
authorization.

Pledge.

Task force.
Establishment.

Public hearings.

Membership.

Chairman.

Expenses.

Termination date.

Report to
congressional
committees.

(3) an analysis of existing repayment obligations, including rates and types of repayment, the duration of repayments, and the desirability of maintaining present repayment timetables or of modifying them in order to ensure that an equitable burden of repayment falls on all project beneficiaries;

(4) a review of the contractual commitments for water delivery to water districts of the unit, and the development of new methods for calculating and, on a periodic basis, recalculating, all future water service charges;

(5) the fiscal and future environmental impacts of the completion, under current plans, of the San Luis interceptor drain north of Kesterson Reservoir, and recommendations as to the feasibility of implementing alternative uses of waste water such as reclamation for agricultural or industrial re-use;

(6) a procedure to provide greater public awareness of and participation in the design and review of future water delivery contracts by all potentially affected parties by means of public notice and the opportunity for a public hearing;

(7) the adequacy of present levels of authorization for completing the unit and recommendations for funding such completion, such as indexing of authorization or periodic reauthorization;

(8) the record of enforcement of the requirements concerning the disposition of excess lands by persons receiving Federal water or major project benefits, and the residency requirement of the Act of June 17, 1902 (32 Stat. 388), to the extent required by law, and an evaluation of the success of the project in fostering family farms, including the adequacy of present legislation and departmental rules and regulations pertaining to these provisions;

(9) the impact of the commitment of water from the Sacramento-San Joaquin Delta in excess of that obligated in the existing long-term contract, for delivery to the unit under future contracts;

(10) the fiscal and agricultural impacts of extending the project to encompass federally constructed ground water integration operations.

SEC. 3. Neither the Secretary nor any of his representatives shall approve any amendatory or other contract modifying the current water service contract of June 5, 1963 (contract numbered 14-06-200-495-A) or the current repayment contract of April 1, 1965 (contract numbered 14-06-200-2020-A), or any temporary contract extending more than one hundred and eighty days beyond December 31, 1977, prior to the completion of the report of the task force required in section 2 or January 1, 1978, whichever occurs first. No such contract shall be approved by the Secretary or his representative prior to its submission to the Congress for a period of not more than ninety day (which ninety days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a date certain).

Contracts,
modifications.

Submittal to
Congress.

SEC. 4. Nothing in this Act shall affect any litigation initiated prior to the date of enactment.

Approved June 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-233 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 95-144 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 2, considered and passed House.

May 24, considered and passed Senate, amended.

May 26, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 25:

June 16, Presidential statement.

Public Law 95-47
95th Congress

An Act

June 16, 1977

[S. 955]

Federal Crop
Insurance Act,
amendment.

To amend the Federal Crop Insurance Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 504(a) of the Federal Crop Insurance Act (52 Stat. 72, as amended; 7 U.S.C. 1504(a)) is amended to read as follows:

“SEC. 504. (a) The Corporation shall have a capital stock of \$150,000,000 subscribed by the United States of America, payment for which shall, with the approval of the Secretary of Agriculture, be subject to call in whole or in part by the Board of Directors of the Corporation.”.

Approved June 16, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-293 (Comm. on Agriculture).

SENATE REPORT No. 95-98 (Comm. on Agriculture, Nutrition, and Forestry).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 25, considered and passed Senate.

June 6, considered and passed House.

Public Law 95-48
95th Congress

An Act

To extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1978.

June 17, 1977

[S. 1240]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336 of the Agricultural Adjustment Act of 1938 (52 Stat. 55, as amended; 7 U.S.C. 1336) is amended by striking out the last four sentences and inserting in lieu thereof a new sentence as follows: "Notwithstanding any other provision hereof, the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1978, may be conducted not later than the earlier of the following: (1) thirty days after adjournment sine die of the first session of the Ninety-fifth Congress, or (2) October 15, 1977."

Wheat.
Marketing quota
referendum.

Approved June 17, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-366 (Comm. on Agriculture).

SENATE REPORT No. 95-97 (Comm. on Agriculture, Nutrition, and Forestry).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 25, considered and passed Senate.

June 6, considered and passed House.

Public Law 95-49
95th Congress

An Act

June 17, 1977
[H.R. 6692]

Education of the
Handicapped
Amendments of
1977.
20 USC 1401
note.
20 USC 1426.

To extend certain programs under the Education of the Handicapped Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education of the Handicapped Amendments of 1977".

CENTERS AND SERVICES

SEC. 2. Section 627 of the Education of the Handicapped Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 627. There are authorized to be appropriated to carry out the provisions of section 621, \$19,000,000 for the fiscal year 1978 and for the succeeding fiscal year, \$21,000,000 for fiscal year 1980, \$24,000,000 for fiscal year 1981, and \$25,000,000 for fiscal year 1982. There are authorized to be appropriated to carry out the provisions of section 622, \$22,000,000 for fiscal year 1978, \$24,000,000 for fiscal year 1979, \$26,000,000 for fiscal year 1980, \$29,000,000 for fiscal year 1981, and \$32,000,000 for fiscal year 1982. There are authorized to be appropriated to carry out the provisions of section 623, \$25,000,000 for fiscal year 1978 and for each of the two succeeding fiscal years, \$20,000,000 for fiscal year 1981 and for the succeeding fiscal year. There are authorized to be appropriated to carry out the provisions of section 625, \$10,000,000 for the fiscal year 1978, \$12,000,000 for the fiscal year 1979, \$14,000,000 for the fiscal year 1980, and \$16,000,000 for the fiscal year 1981 and for the succeeding fiscal year."

PERSONNEL TRAINING

20 USC 1436.

SEC. 3. Section 636 of the Education of the Handicapped Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 636. There are authorized to be appropriated for carrying out the provisions of this part (other than section 633) \$75,000,000 for the fiscal year 1978, \$80,000,000 for the fiscal year 1979, \$85,000,000 for the fiscal year 1980, \$90,000,000 for the fiscal year 1981, and \$95,000,000 for the fiscal year 1982. There are authorized to be appropriated to carry out the provisions of section 633, \$2,000,000 for the fiscal year 1978 and the succeeding fiscal year, and \$2,500,000 for the fiscal year 1980 and each of the two succeeding fiscal years."

SPECIAL EDUCATIONAL MODEL PROGRAMS

20 USC 1441.

SEC. 4. Section 641 of the Education of the Handicapped Act is amended by striking out the period and inserting a comma and the following: "including the development and conduct of model programs designed to meet the special educational needs of such children."

RESEARCH

SEC. 5. Section 644 of the Education of the Handicapped Act is amended to read as follows: 20 USC 1444.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 644. For the purposes of carrying out this part, there are authorized to be appropriated \$20,000,000 for the fiscal year 1978, \$22,000,000 for the fiscal year 1979, \$24,000,000 for the fiscal year 1980, \$26,000,000 for the fiscal year 1981, and \$28,000,000 for the fiscal year 1982.”.

INSTRUCTIONAL MEDIA

SEC. 6. Section 654 of the Education of the Handicapped Act is amended to read as follows: 20 USC 1454.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 654. For the purpose of carrying out this part there are authorized to be appropriated not to exceed \$24,000,000 for the fiscal year 1978, \$25,000,000 for the fiscal year 1979, \$27,000,000 for the fiscal year 1980, \$29,000,000 for the fiscal year 1981 and for each succeeding fiscal year thereafter.”.

SEC. 7. The amendments made by sections 2, 3, 5, and 6 shall take effect on October 1, 1977. 20 USC 1426 note.

Approved June 17, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-268 (Comm. on Education and Labor).

SENATE REPORT No. 95-124 accompanying S. 725 (Comm. on Human Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 9, considered and passed House.

May 23, considered and passed Senate, amended, in lieu of S. 725.

June 7, House concurred in Senate amendment.

Public Law 95-50
95th Congress

An Act

June 20, 1977
[S. 521]

To amend the John F. Kennedy Center Act to authorize funds for the repair of leaks.

John F. Kennedy
Center Act,
amendment.
Appropriation
authorization.
20 USC 76n.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8 of the John F. Kennedy Center Act (Public Law 85-874, as amended) is amended by adding the following new subsection:

“(c) There are authorized to be appropriated to the Secretary of the Interior, acting through the National Park Service, not to exceed \$4,700,000 for repair, renovation, and reconstruction of the John F. Kennedy Center for the Performing Arts necessary to correct water leaks in the roof, the terraces, the kitchen, and the East Plaza Drive and to correct any damage which has resulted from those leaks. No contract shall be entered into for any property or services necessary to carry out this subsection unless such contract has been approved by the Board, and no final payment for such property or services shall be made under any such contract unless such payment has been approved by the Board. No part of the funds authorized by this subsection shall be expended under any cost-plus-a-percentage-of-cost, cost-plus-a-fixed-fee, or similar incentive-type contract. Funds authorized by this subsection shall be expended under a contract only after advertising and competitive bidding for the property or services to be provided by such contract.”.

(b) Subsection (a) of section 8 of such Act is amended by striking out “section.” and inserting in lieu thereof “subsection.”.

20 USC 76l.

SEC. 2. Subsection (e) of section 6 of the John F. Kennedy Center Act is amended by striking out the second sentence thereof, and in the last sentence thereof by striking out “and” and the period at the end thereof and inserting in lieu thereof a comma and the following: “and \$4,000,000 for the fiscal year ending September 30, 1978.”.

Approved June 20, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-18 accompanying H.R. 2846 (Comm. on Public Works and Transportation) and No. 95-385 (Comm. of Conference).

SENATE REPORTS: No. 95-4 (Comm. on Public Works) and No. 95-235 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Feb. 24, considered and passed Senate.

Mar. 4, considered and passed House, amended, in lieu of H.R. 2846.

May 27, Senate agreed to conference report.

June 8, House agreed to conference report.

Public Law 95-51
95th Congress

An Act

To amend the Disaster Relief Act of 1974 to provide for authorization of appropriations thereunder through fiscal year 1978.

June 20, 1977
[H.R. 6197]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 606 of the Disaster Relief Act of 1974 is amended by striking out “June 30, 1977” and inserting in lieu thereof “September 30, 1980”.

Disaster relief
programs.
Appropriation
authorization
42 USC 5202.

SEC. 2. Section 5 of the Flood Control Act approved August 18, 1941 (33 U.S.C. 701n) is amended by inserting “(a)” immediately after “Sec. 5.” and by adding at the end thereof the following new subsection:

“(b) (1) The Secretary, upon a written request for assistance under this paragraph made by any farmer, rancher, or political subdivision within a distressed area, and after a determination by the Secretary that (A) as a result of the drought such farmer, rancher, or political subdivision has an inadequate supply of water, (B) an adequate supply of water can be made available to such farmer, rancher, or political subdivision through the construction of a well, and (C) as a result of the drought such well could not be constructed by a private business, the Secretary, subject to paragraph (3) of this subsection, may enter into an agreement with such farmer, rancher, or political subdivision for the construction of such well.

Construction of
wells in drought
areas.

“(2) The Secretary, upon a written request for assistance under this paragraph made by any farmer, rancher, or political subdivision within a distressed area, and after a determination by the Secretary that as a result of the drought such farmer, rancher, or political subdivision has an inadequate supply of water and water cannot be obtained by such farmer, rancher, or political subdivision, the Secretary may transport water to such farmer, rancher, or political subdivision by methods which include, but are not limited to, small-diameter emergency water lines and tank trucks, until such time as the Secretary determines that an adequate supply of water is available to such farmer, rancher, or political subdivision.

Transportation
of water.

“(3) (A) Any agreement entered into by the Secretary pursuant to paragraph (1) of this subsection shall require the farmer, rancher, or political subdivision for whom the well is constructed to pay to the United States the reasonable cost of such construction, with interest, over such number of years, not to exceed thirty, as the Secretary deems appropriate. The rate of interest shall be that rate which the Secretary determines would apply if the amount to be repaid was a loan made pursuant to section 7(b) (2) of the Small Business Act.

Costs.

“(B) The Secretary shall not construct any well pursuant to this subsection unless the farmer, rancher, or political subdivision for whom the well is being constructed has obtained, prior to construction, all necessary State and local permits.

Rate of
interest.
15 USC 636.

“(4) The Federal share for the transportation of water pursuant to paragraph (2) of this subsection shall be 100 per centum.

Federal share.

Definitions.

“(5) For purposes of this subsection—

“(A) the term ‘construction’ includes construction, reconstruction, or repair;

“(B) the term ‘distressed area’ means an area which the Secretary determines due to drought conditions has an inadequate water supply which is causing, or is likely to cause, a substantial threat to the health and welfare of the inhabitants of the area including threat of damage or loss of property;

“(C) the term ‘political subdivision’ means a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over the water supply of such public body;

“(D) the term ‘reasonable cost’ means the lesser of (i) the cost to the Secretary of constructing a well pursuant to this subsection exclusive of the cost of transporting equipment used in the construction of wells, or (ii) the cost to a private business of constructing such well;

“(E) the term ‘Secretary’ means the Secretary of the Army, acting through the Chief of Engineers; and

“(F) the term ‘State’ means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.”.

Approved June 20, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-302 (Comm. on Public Works and Transportation).

SENATE REPORT No. 95-154 accompanying S. 1512 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 17, considered and passed House.

May 24, considered and passed Senate, amended, in lieu of S. 1512.

June 8, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 26:

June 21, Presidential statement.

Public Law 95-52
95th Congress

An Act

To amend the Export Administration Act of 1969 in order to extend the authorities of that Act and improve the administration of export controls under that Act, and to strengthen the antiboycott provisions of that Act.

June 22, 1977
[H.R. 5840]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the “Export Administration Amendments of 1977”.

Export
Administration
Amendments of
1977.
50 USC app.
2401 note.

TITLE I—EXPORT ADMINISTRATION IMPROVEMENTS
AND EXTENSION

EXTENSION OF EXPORT ADMINISTRATION ACT

SEC. 101. Section 14 of the Export Administration Act of 1969 is amended by striking out “September 30, 1976” and inserting in lieu thereof “September 30, 1979”.

50 USC app.
2413.

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. The Export Administration Act of 1969 is amended by inserting after section 12 the following new section 13 and redesignating existing sections 13 and 14 as sections 14 and 15, respectively:

50 USC app.
2412, 2413.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 13. (a) Notwithstanding any other provision of law, no appropriation shall be made under any law to the Department of Commerce for expenses to carry out the purposes of this Act for any fiscal year commencing on or after October 1, 1977, unless previously and specifically authorized by legislation.

50 USC app.
2411a.

“(b) There is hereby authorized to be appropriated to the Department of Commerce \$14,033,000 (and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs) for fiscal years 1978 and 1979 to carry out the purposes of this Act.”.

CONTROL OF EXPORTS FOR NATIONAL SECURITY PURPOSES; FOREIGN
AVAILABILITY

SEC. 103. (a) Section 4(b) of the Export Administration Act of 1969 is amended—

50 USC app.
2403.

(1) by striking out the third sentence of paragraph (1);

(2) by striking out paragraphs (2) through (4); and

(3) by inserting the following new paragraph (2) immediately after paragraph (1):

50 USC app.
2402.

Review by
President.

Report to
Congress.

Post, p. 241.
Rules and regu-
lations.

50 USC app.
2403.

Effective date.
50 USC app.
2403 note.

“(2)(A) In administering export controls for national security purposes as prescribed in section 3(2)(C) of this Act, United States policy toward individual countries shall not be determined exclusively on the basis of a country’s Communist or non-Communist status but shall take into account such factors as the country’s present and potential relationship to the United States, its present and potential relationship to countries friendly or hostile to the United States, its ability and willingness to control retransfers of United States exports in accordance with United States policy, and such other factors as the President may deem appropriate. The President shall periodically review United States policy toward individual countries to determine whether such policy is appropriate in light of the factors specified in the preceding sentence. The results of such review, together with the justification for United States policy in light of such factors, shall be reported to Congress not later than December 31, 1978, in the semi-annual report of the Secretary of Commerce required by section 10 of this Act, and in every second such report thereafter.

“(B) Rules and regulations under this subsection may provide for denial of any request or application for authority to export articles, materials, or supplies, including technical data or any other information, from the United States, its territories and possessions, to any nation or combination of nations threatening the national security of the United States if the President determines that their export would prove detrimental to the national security of the United States. The President shall not impose export controls for national security purposes on the export from the United States of articles, materials, or supplies, including technical data or other information, which he determines are available without restriction from sources outside the United States in significant quantities and comparable in quality to those produced in the United States, unless the President determines that adequate evidence has been presented to him demonstrating that the absence of such controls would prove detrimental to the national security of the United States. The nature of such evidence shall be included in the semiannual report required by section 10 of this Act. Where, in accordance with this paragraph, export controls are imposed for national security purposes notwithstanding foreign availability, the President shall take steps to initiate negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability.”

(b)(1) Section 4(h) of the Export Administration Act of 1969 is amended by striking out “controlled country” in the first sentence of paragraph (1) and in the second sentence of paragraph (2) and inserting in lieu thereof “country to which exports are restricted for national security purposes”.

(2) Section 4(h)(2)(A) of such Act is amended by striking out “controlled” and inserting in lieu thereof “such”.

(3) Section 4(h)(4) of such Act is amended—

(A) by inserting “and” at the end of subparagraph (A); and

(B) by striking out the semicolon at the end of subparagraph (B) thereof and all that follows the semicolon and inserting in lieu thereof a period.

(4) The amendments made by this subsection shall become effective upon the expiration of ninety days after the receipt by the Congress of the first report required by the amendment made by subsection (a)(3) of this section.

(c) Section 4(h) of such Act is amended—

(1) in paragraph (1)—

(A) in the first sentence by striking out “significantly increase the military capability of such country” and inserting in lieu thereof “make a significant contribution to the military potential of such country”; and

50 USC app.
2403.

(B) in the second sentence by striking out “significantly increase the military capability of such country” and inserting in lieu thereof “make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of any such country”; and

(2) in paragraph (2)(A) by striking out “significantly increase the military capability of such country” and inserting in lieu thereof “make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of such country or any other country”.

(d) Section 6(b) of such Act is amended by striking out “Communist-dominated nation” and inserting in lieu thereof “country to which exports are restricted for national security or foreign policy purposes”.

50 USC app.
2405.

MONITORING OF COMMODITIES IN POTENTIAL SHORT SUPPLY

SEC. 104. Section 4(c)(1) of the Export Administration Act of 1969 is amended by inserting after the first sentence thereof the following: “Such monitoring shall commence at a time adequate to insure that data will be available which is sufficient to permit achievement of the policies of this Act.”

50 USC app.
2403.

EXEMPTION FOR CERTAIN AGRICULTURAL COMMODITIES FROM CERTAIN EXPORT LIMITATIONS

SEC. 105. Section 4(f) of the Export Administration Act of 1969 is amended—

(1) by redesignating such section as section 4(f)(1); and

(2) by adding at the end thereof the following new paragraph:

“(2) Upon approval of the Secretary of Commerce, in consultation with the Secretary of Agriculture, agricultural commodities purchased by or for use in a foreign country may remain in the United States for export at a later date free from any quantitative limitations on export which may be imposed pursuant to section 3(2)(A) of this Act subsequent to such approval. The Secretary of Commerce may not grant approval hereunder unless he receives adequate assurance and, in conjunction with the Secretary of Agriculture, finds that such commodities will eventually be exported, that neither the sale nor export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact, that storage of such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities, and that the purpose of such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country. The Secretary of Commerce is authorized to issue such rules and regulations as may be necessary to implement this paragraph.”.

50 USC app.
2402.

Rules and
regulations.

CONGRESSIONAL REVIEW OF EXPORT CONTROLS ON AGRICULTURAL
COMMODITIES

Report to
Congress.
Ante, p. 237.

SEC. 106. Section 4(f) of the Export Administration Act of 1969, as amended by section 105 of this Act, is further amended by adding at the end thereof the following new paragraph:

50 USC app.
2402.

“(3) If the authority conferred by this section is exercised to prohibit or curtail the exportation of any agricultural commodity in order to effectuate the policies set forth in clause (A) or (B) of paragraph (2) of section 3 of this Act, the President shall immediately report such prohibition or curtailment to the Congress, setting forth the reasons therefor in detail. If the Congress, within 30 days after the date of its receipt of such report, adopts a concurrent resolution disapproving such prohibition or curtailment, then such prohibition or curtailment shall cease to be effective with the adoption of such resolution. In the computation of such 30-day period, there shall be excluded the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of the Congress sine die.”.

PERIOD FOR ACTION ON EXPORT LICENSE APPLICATIONS

50 USC app.
2403.

SEC. 107. Section 4(g) of the Export Administration Act of 1969 is amended to read as follows:

Approval.

“(g) (1) It is the intent of Congress that any export license application required under this Act shall be approved or disapproved within 90 days of its receipt. Upon the expiration of the 90-day period beginning on the date of its receipt, any export license application required under this Act which has not been approved or disapproved shall be deemed to be approved and the license shall be issued unless the Secretary of Commerce or other official exercising authority under this Act finds that additional time is required and notifies the applicant in writing of the specific circumstances requiring such additional time and the estimated date when the decision will be made.

Notice.

“(2) (A) With respect to any export license application not finally approved or disapproved within 90 days of its receipt as provided in paragraph (1) of this subsection, the applicant shall, to the maximum extent consistent with the national security of the United States, be specifically informed in writing of questions raised and negative considerations or recommendations made by any agency or department of the Government with respect to such license application, and shall be accorded an opportunity to respond to such questions, considerations, or recommendations in writing prior to final approval or disapproval by the Secretary of Commerce or other official exercising authority under this Act. In making such final approval or disapproval, the Secretary of Commerce or other official exercising authority under this Act shall take fully into account the applicant's response.

Interagency
review.

“(B) Whenever the Secretary determines that it is necessary to refer an export license application to any interagency review process for approval, he shall first, if the applicant so requests, provide the applicant with an opportunity to review any documentation to be submitted to such process for the purpose of describing the export in question, in order to determine whether such documentation accurately describes the proposed export.

Denial.

“(3) In any denial of an export license application, the applicant shall be informed in writing of the specific statutory basis for such denial.”.

CERTAIN PETROLEUM EXPORTS

SEC. 108. Section 4 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection:

“(j) Petroleum products refined in United States Foreign-Trade Zones, or in the United States Territory of Guam, from foreign crude oil shall be excluded from any quantitative restrictions imposed pursuant to section 3(2)(A) of this Act, except that, if the Secretary of Commerce finds that a product is in short supply, the Secretary of Commerce may issue such rules and regulations as may be necessary to limit exports.”.

Rules and
regulations.
50 USC app.
2403.

50 USC app.
2402.

EXPORT OF HORSES

SEC. 109. Section 4 of the Export Administration Act of 1969, as amended by section 108 of this Act, is further amended by adding at the end thereof the following new subsection:

“(k) (1) Notwithstanding any other provision of this Act, no horse may be exported by sea from the United States, its territories and possessions, unless such horse is part of a consignment of horses with respect to which a waiver has been granted under paragraph (2) of this subsection.

“(2) The Secretary of Commerce, in consultation with the Secretary of Agriculture, may issue rules and regulations providing for the granting of waivers permitting the export by sea of a specified consignment of horses, if the Secretary of Commerce, in consultation with the Secretary of Agriculture, determines that no horse in that consignment is being exported for purposes of slaughter.”.

Waivers, rules
and regulations.

PROHIBITION OF CERTAIN PETROLEUM EXPORTS

SEC. 110. Section 4 of the Export Administration Act of 1969, as amended by sections 108 and 109 of this Act, is further amended by adding at the end thereof the following new subsection:

“(1) (1) Notwithstanding any other provision of this Act and notwithstanding subsection (u) of section 28 of the Mineral Leasing Act of 1920, no domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to such section 28 (except any such crude oil which (A) is exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or (B) is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States) may be exported from the United States, its territories and possessions, during the 2-year period beginning on the date of enactment of this subsection unless the requirements of paragraph (2) of this subsection are met.

“(2) Crude oil subject to the prohibition contained in paragraph (1) may be exported only if—

“(A) the President makes and publishes an express finding that exports of such crude oil—

“(i) will not diminish the total quantity or quality of petroleum available to the United States,

“(ii) will have a positive effect on consumer oil prices by decreasing the average crude oil acquisition costs of refiners,

“(iii) will be made only pursuant to contracts which may be terminated if the petroleum supplies of the United States are interrupted or seriously threatened,

“(iv) are in the national interest, and

30 USC 185.

Presidential
finding,
publication.

Report to Congress.
42 USC 6421.
Congressional review.

“(v) are in accordance with the provisions of this Act; and
“(B) the President reports such finding to the Congress as an energy action (as defined in section 551 of the Energy Policy and Conservation Act).
The congressional review provisions of such section 551 shall apply to an energy action reported in accordance with this paragraph, except that for purposes of this paragraph, any reference in such section to a period of 15 calendar days of continuous session of Congress shall be deemed to be a reference to a period of 60 calendar days of continuous session of Congress and the period specified in subsection (f) (4) (A) of such section for committee action on a resolution shall be deemed to be 40 calendar days.”

TECHNICAL ADVISORY COMMITTEES

50 USC app. 2404.

SEC. 111. (a) Section 5(c) (1) of the Export Administration Act of 1969 is amended by striking out “two” in the last sentence thereof and inserting in lieu thereof “four”.

(b) The second sentence of section 5(c) (2) of such Act is amended to read as follows: “Such committees, where they have expertise in such matters, shall be consulted with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any articles, materials, and supplies, including technical data or other information, and (D) exports subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.”

Report, additional information,
Post, p. 241.

(c) Section 5(c) (2) of such Act is further amended by striking out the third sentence and inserting in lieu thereof the following: “The Secretary shall include in each semiannual report required by section 10 of this Act an accounting of the consultations undertaken pursuant to this paragraph, the use made of the advice rendered by the technical advisory committees pursuant to this paragraph, and the contributions of the technical advisory committees to carrying out the policies of this Act.”

PENALTIES FOR VIOLATIONS

50 USC app. 2405.

SEC. 112. (a) Section 6(a) of the Export Administration Act of 1969 is amended—

(1) in the first sentence, by striking out “\$10,000” and inserting in lieu thereof “\$25,000”; and

(2) in the second sentence, by striking out “\$20,000” and inserting in lieu thereof “\$50,000”.

Ante, p. 237.

(b) Section 6(b) of such Act is amended by striking out “\$20,000” and inserting in lieu thereof “\$50,000”.

(c) Section 6(c) of such Act is amended by striking out “\$1,000” and inserting in lieu thereof “\$10,000”.

Payment, deferral or suspension.

(d) Section 6(d) of such Act is amended by adding at the end thereof the following new sentence: “In addition, the payment of any penalty imposed under subsection (c) may be deferred or suspended in whole or in part for a period of time no longer than any probation period (which may exceed one year) that may be imposed upon such person. Such a deferral or suspension shall not operate as a bar to the collection of the penalty in the event that the conditions of the suspension, deferral, or probation are not fulfilled.”

AVAILABILITY OF INFORMATION TO CONGRESS

SEC. 113. (a) Section 7(c) of the Export Administration Act of 1969 is amended by adding at the end thereof the following new sentences: "Nothing in this Act shall be construed as authorizing the withholding of information from Congress, and any information obtained under this Act, including any report or license application required under section 4(b), shall be made available upon request to any committee or subcommittee of Congress of appropriate jurisdiction. No such committee or subcommittee shall disclose any information obtained under this Act which is submitted on a confidential basis unless the full committee determines that the withholding thereof is contrary to the national interest."

50 USC app.
2406.

Ante, p. 235.

Disclosure.

(b) Section 4(c) (1) of such Act is amended by inserting immediately before the period at the end of the last sentence thereof "and in the last two sentences of section 7(c) of this Act".

Ante, p. 237.

SIMPLIFICATION OF EXPORT REGULATIONS AND LISTS

SEC. 114. Section 7 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection:

Review.

50 USC app.
2406.

"(e) The Secretary of Commerce, in consultation with appropriate United States Government departments and agencies and with appropriate technical advisory committees established under section 5(c), shall review the rules and regulations issued under this Act and the lists of articles, materials, and supplies which are subject to export controls in order to determine how compliance with the provisions of this Act can be facilitated by simplifying such rules and regulations, by simplifying or clarifying such lists, or by any other means. Not later than one year after the enactment of this subsection, the Secretary of Commerce shall report to Congress on the actions taken on the basis of such review to simplify such rules and regulations. Such report may be included in the semiannual report required by section 10 of this Act."

Ante, p. 240.

Report to
Congress.

Infra.

TERRORISM

SEC. 115. Section 3 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new paragraph:

50 USC app.
2402.

"(8) It is the policy of the United States to use export controls to encourage other countries to take immediate steps to prevent the use of their territory or resources to aid, encourage, or give sanctuary to those persons involved in directing, supporting, or participating in acts of international terrorism. To achieve this objective, the President shall make every reasonable effort to secure the removal or reduction of such assistance to international terrorists through international cooperation and agreement before resorting to the imposition of export controls."

SEMIANNUAL REPORTS

SEC. 116. (a) Section 10 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection:

50 USC app.
2409.

"(c) Each semiannual report shall include an accounting of—

"(1) any organizational and procedural changes instituted, any reviews undertaken, and any means used to keep the business sector of the Nation informed, pursuant to section 4(a) of this Act;

50 USC app.
2403.

"(2) any changes in the exercise of the authorities of section 4(b) of this Act;

50 USC app.
2403.

Ante, p. 236,
238.

Ante, p. 240.

Ante, p. 240.

Post, p. 247.

50 USC app.
2409.

“(3) any delegations of authority under section 4(e) of this Act;

“(4) the disposition of export license applications pursuant to sections 4 (g) and (h) of this Act;

“(5) consultations undertaken with technical advisory committees pursuant to section 5(c) of this Act;

“(6) violations of the provisions of this Act and penalties imposed pursuant to section 6 of this Act; and

“(7) a description of actions taken by the President and the Secretary of Commerce to effect the policies set forth in section 3(5) of this Act.”.

(b)(1) The section heading of such section 10 is amended by striking out “QUARTERLY”.

(2) Subsection (b) of such section is amended—

(A) by striking out “quarterly” each time it appears; and

(B) by striking out “second” in the first sentence of paragraph (1).

SPECIAL REPORT ON MULTILATERAL EXPORT CONTROLS

Submittal to
Congress.
50 USC app.
2409 note.
50 USC app.
2401 note.
22 USC 1611
note.
Contents.

SEC. 117. Not later than 12 months after the enactment of this section, the President shall submit to the Congress a special report on multilateral export controls in which the United States participates pursuant to the Export Administration Act of 1969 and pursuant to the Mutual Defense Assistance Control Act of 1951. The purpose of such special report shall be to assess the effectiveness of such multilateral export controls and to formulate specific proposals for increasing the effectiveness of such controls. That special report shall include—

(1) the current list of commodities controlled for export by agreement of the group known as the coordinating Committee of the Consultative Group (hereafter in this section referred to as the “Committee”) and an analysis of the process of reviewing such list and of the changes which result from such review;

(2) data on and analysis of requests for exceptions to such list;

(3) a description and an analysis of the process by which decisions are made by the Committee on whether or not to grant such requests;

(4) an analysis of the uniformity of interpretation and enforcement by the participating countries of the export controls agreed to by the Committee (including controls over the re-export of such commodities from countries not participating in the Committee), and information on each case where such participating countries have acted contrary to the United States interpretation of the policy of the Committee, including United States representations to such countries and the response of such countries;

(5) an analysis of the problem of exports of advanced technology by countries not participating in the Committee, including such exports by subsidiaries or affiliates of United States businesses in such countries;

(6) an analysis of the effectiveness of any procedures employed, in cases in which an exception for a listed commodity is granted by the Committee, to determine whether there has been compliance with any conditions on the use of the excepted commodity which were a basis for the exception; and

(7) detailed recommendations for improving, through formalization or other means, the effectiveness of multilateral export controls, including specific recommendations for the development of more precise criteria and procedures for collective export decisions and for the development of more detailed and formal enforcement mechanisms to assure more uniform interpretation of and compliance with such criteria, procedures, and decisions by all countries participating in such multilateral export controls.

REVIEW OF UNILATERAL AND MULTILATERAL EXPORT CONTROL LISTS

SEC. 118. The Secretary of Commerce, in cooperation with appropriate United States Government departments and agencies and the appropriate technical advisory committees established pursuant to the Export Administration Act of 1969, shall undertake an investigation to determine whether United States unilateral controls or multilateral controls in which the United States participates should be removed, modified, or added with respect to particular articles, materials, and supplies, including technical data and other information, in order to protect the national security of the United States. Such investigation shall take into account such factors as the availability of such articles, materials, and supplies from other nations and the degree to which the availability of the same from the United States or from any country with which the United States participates in multilateral controls would make a significant contribution to the military potential of any country threatening or potentially threatening the national security of the United States. The results of such investigation shall be reported to the Congress not later than December 31, 1978.

Investigation.
50 USC app.
2403 note.
50 USC app.
2401 note.

Report to
Congress.

TECHNOLOGY EXPORT STUDY

SEC. 119. (a) The President, acting through the Secretary of Commerce, the Secretary of Labor, and the International Trade Commission, shall conduct a study of the domestic economic impact of exports from the United States of industrial technology whose export requires a license under the Export Administration Act of 1969. Such study shall include an evaluation of current exporting patterns on the international competitive position of the United States in advanced industrial technology fields and an evaluation of the present and future effect of these exports on domestic employment.

Study.
50 USC app.
2403 note.

(b) The results of the study conducted pursuant to subsection (a) will be reported to the Congress within one year after the date of enactment of this Act.

Report to
Congress.

REPORT ON TECHNICAL DATA TRANSFERS

SEC. 120. The Secretary of Commerce shall conduct a study of the transfer of technical data and other information to any country to which exports are restricted for national security purposes and the problem of the export, by publications or any other means of public dissemination, of technical data or other information from the United States, the export of which might prove detrimental to the national security or foreign policy of the United States. Not later than 12 months after the enactment of this section, the Secretary shall report to the Congress his assessment of the impact of the export of such technical data or other information by such means on the national security and foreign policy of the United States and his recommendations for monitoring such exports without impairing freedom of speech, freedom of press, or the freedom of scientific exchange. Such report may be

Study.
50 USC app.
2403 note.

Report to
Congress.

Ante, p. 241.

included in the semiannual report required by section 10 of the Export Administration Act of 1969.

TITLE II—FOREIGN BOYCOTTS

PROHIBITION ON COMPLIANCE WITH FOREIGN BOYCOTTS

50 USC app.
2403a.

SEC. 201. (a) The Export Administration Act of 1969 is amended by redesignating section 4A as section 4B and by inserting after section 4 the following new section :

“FOREIGN BOYCOTTS

Rules and
regulations.
50 USC app.
2403-1a.
Post, p. 247.

“SEC. 4A. (a) (1) For the purpose of implementing the policies set forth in section 3(5) (A) and (B), the President shall issue rules and regulations prohibiting any United States person, with respect to his activities in the interstate or foreign commerce of the United States, from taking or knowingly agreeing to take any of the following actions with intent to comply with, further, or support any boycott fostered or imposed by a foreign country against a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation :

“(A) Refusing, or requiring any other person to refuse, to do business with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, pursuant to an agreement with, a requirement of, or a request from or on behalf of the boycotting country. The mere absence of a business relationship with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, does not indicate the existence of the intent required to establish a violation of rules and regulations issued to carry out this subparagraph.

“(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminating against any United States person on the basis of race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person.

“(C) Furnishing information with respect to the race, religion, sex, or national origin of any United States person or of any owner, officer, director, or employee of such person.

“(D) Furnishing information about whether any person has, has had, or proposes to have any business relationship (including a relationship by way of sale, purchase, legal or commercial representation, shipping or other transport, insurance, investment, or supply) with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person which is known or believed to be restricted from having any business relationship with or in the boycotting country. Nothing in this paragraph shall prohibit the furnishing of normal business information in a commercial context as defined by the Secretary of Commerce.

“(E) Furnishing information about whether any person is a member of, has made contributions to, or is otherwise associated with or involved in the activities of any charitable or fraternal organization which supports the boycotted country.

“(F) Paying, honoring, confirming, or otherwise implementing a letter of credit which contains any condition or requirement compliance with which is prohibited by rules and regulations issued pursuant to this paragraph, and no United States person shall, as a result of the application of this paragraph, be obligated to pay or otherwise honor or implement such letter of credit.

“(2) Rules and regulations issued pursuant to paragraph (1) shall provide exceptions for— Exceptions.

“(A) complying or agreeing to comply with requirements (i) prohibiting the import of goods or services from the boycotted country or goods produced or services provided by any business concern organized under the laws of the boycotted country or by nationals or residents of the boycotted country, or (ii) prohibiting the shipment of goods to the boycotting country on a carrier of the boycotted country, or by a route other than that prescribed by the boycotting country or the recipient of the shipment;

“(B) complying or agreeing to comply with import and shipping document requirements with respect to the country of origin, the name of the carrier and route of shipment, the name of the supplier of the shipment or the name of the provider of other services, except that no information knowingly furnished or conveyed in response to such requirements may be stated in negative, blacklisting, or similar exclusionary terms after the expiration of 1 year following the date of enactment of the Export Administration Amendments of 1977 other than with respect to carriers or route of shipment as may be permitted by such rules and regulations in order to comply with precautionary requirements protecting against war risks and confiscation;

“(C) complying or agreeing to comply in the normal course of business with the unilateral and specific selection by a boycotting country, or national or resident thereof, of carriers, insurers, suppliers of services to be performed within the boycotting country or specific goods which, in the normal course of business, are identifiable by source when imported into the boycotting country;

“(D) complying or agreeing to comply with export requirements of the boycotting country relating to shipments or transshipments of exports to the boycotted country, to any business concern of or organized under the laws of the boycotted country, or to any national or resident of the boycotted country;

“(E) compliance by an individual or agreement by an individual to comply with the immigration or passport requirements of any country with respect to such individual or any member of such individual's family or with requests for information regarding requirements of employment of such individual within the boycotting country; and

“(F) compliance by a United States person resident in a foreign country or agreement by such person to comply with the laws of that country with respect to his activities exclusively therein, and such rules and regulations may contain exceptions for such resident complying with the laws or regulations of that foreign country governing imports into such country of trademarked, trade-named, or similarly specifically identifiable products or components of products for his own use, including the performance of contractual services within that country, as may be defined by such rules and regulations.

“(3) Rules and regulations issued pursuant to paragraphs (2) (C) and (2) (F) shall not provide exceptions from paragraphs (1) (B) and (1) (C).

"(4) Nothing in this subsection may be construed to supersede or limit the operation of the antitrust or civil rights laws of the United States.

Rules and
regulations,
issuance.
Grace period.

"(5) Rules and regulations pursuant to this subsection shall be issued not later than 90 days after the date of enactment of this section and shall be issued in final form and become effective not later than 120 days after they are first issued, except that (A) rules and regulations prohibiting negative certification may take effect not later than 1 year after the date of enactment of this section, and (B) a grace period shall be provided for the application of the rules and regulations issued pursuant to this subsection to actions taken pursuant to a written contract or other agreement entered into on or before May 16, 1977. Such grace period shall end on December 31, 1978, except that the Secretary of Commerce may extend the grace period for not to exceed 1 additional year in any case in which the Secretary finds that good faith efforts are being made to renegotiate the contract or agreement in order to eliminate the provisions which are inconsistent with the rules and regulations issued pursuant to paragraph (1).

"(6) This Act shall apply to any transaction or activity undertaken, by or through a United States or other person, with intent to evade the provisions of this Act as implemented by the rules and regulations issued pursuant to this subsection, and such rules and regulations shall expressly provide that the exceptions set forth in paragraph (2) shall not permit activities or agreements (expressed or implied by a course of conduct, including a pattern of responses) otherwise prohibited, which are not within the intent of such exceptions.

"(b) (1) In addition to the rules and regulations issued pursuant to subsection (a) of this section, rules and regulations issued under section 4(b) of this Act shall implement the policies set forth in section 3(5).

Infra.
Post, p. 247.
Report to
Secretary of
Commerce.

"(2) Such rules and regulations shall require that any United States person receiving a request for the furnishing of information, the entering into or implementing of agreements, or the taking of any other action referred to in section 3(5) shall report that fact to the Secretary of Commerce, together with such other information concerning such request as the Secretary may require for such action as he may deem appropriate for carrying out the policies of that section. Such person shall also report to the Secretary of Commerce whether he intends to comply and whether he has complied with such request. Any report filed pursuant to this paragraph after the date of enactment of this section shall be made available promptly for public inspection and copying, except that information regarding the quantity, description, and value of any articles, materials, and supplies, including technical data and other information, to which such report relates may be kept confidential if the Secretary determines that disclosure thereof would place the United States person involved at a competitive disadvantage. The Secretary of Commerce shall periodically transmit summaries of the information contained in such reports to the Secretary of State for such action as the Secretary of State, in consultation with the Secretary of Commerce, may deem appropriate for carrying out the policies set forth in section 3(5) of this Act."

Summaries,
transmittal to
Secretary of
State.

(b) Section 4(b) (1) of such Act is amended by striking out the next to the last sentence.

(c) Section 7(c) of such Act is amended by striking out "No" and inserting in lieu thereof "Except as otherwise provided by the third sentence of section 4A(b) (2) and by section 6(c) (2) (C) of this Act, no".

Ante, p. 235.

50 USC app.
2406.

Ante, p. 244.
Post, p. 247.

STATEMENT OF POLICY

SEC. 202. (a) Section 3(5)(A) of the Export Administration Act of 1969 is amended by inserting immediately after "United States" the following: "or against any United States person". 50 USC app. 2402.

(b) Section 3(5)(B) of such Act is amended to read as follows: "(B) to encourage and, in specified cases, to require United States persons engaged in the export of articles, materials, supplies, or information to refuse to take actions, including furnishing information or entering into or implementing agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against a country friendly to the United States or against any United States person."

ENFORCEMENT

SEC. 203. (a) Section 6(c) of the Export Administration Act of 1969 is amended— 50 USC app. 2405.

(A) by redesignating such section as section 6(c)(1); and

(B) by adding at the end thereof the following new paragraph:

"(2)(A) The authority of this Act to suspend or revoke the authority of any United States person to export articles, materials, supplies, or technical data or other information, from the United States, its territories or possessions, may be used with respect to any violation of the rules and regulations issued pursuant to section 4A(a) of this Act.

"(B) Any administrative sanction (including any civil penalty or any suspension or revocation of authority to export) imposed under this Act for a violation of the rules and regulations issued pursuant to section 4A(a) of this Act may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

"(C) Any charging letter or other document initiating administrative proceedings for the imposition of sanctions for violations of the rules and regulations issued pursuant to section 4A(a) of this Act shall be made available for public inspection and copying."

(b) Section 8 of such Act is amended by striking out "The" and inserting in lieu thereof "Except as provided in section 6(c)(2), the". 50 USC app. 2407. *Supra.*

Ante, p. 244.
Notice and
hearing.

Documents,
public inspection.

DEFINITIONS

SEC. 204. Section 11 of the Export Administration Act of 1969 is amended to read as follows: 50 USC app. 2410.

"DEFINITIONS

"SEC. 11. As used in this Act—

"(1) the term 'person' includes the singular and the plural and any individual, partnership, corporation, or other form of association, including any government or agency thereof; and

"(2) the term 'United States person' means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern) and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President."

PREEMPTION

Rules and
regulations.
50 USC app.
2403-1a note.

SEC. 205. The amendments made by this title and the rules and regulations issued pursuant thereto shall preempt any law, rule, or regulation of any of the several States or the District of Columbia, and any of the territories or possessions of the United States, or of any governmental subdivision thereof, which law, rule, or regulation pertains to participation in, compliance with, implementation of, or the furnishing of information regarding restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries.

Approved June 22, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-190 (Comm. on International Relations) and No. 95-354 (Comm. of Conference).

SENATE REPORT No. 95-104 accompanying S. 69 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 20, considered and passed House.

May 5, considered and passed Senate, amended, in lieu of S. 69.

May 10, House considered and disagreed to Senate amendments.

June 7, Senate agreed to conference report.

June 10, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 26:

June 22, Presidential statement.

Public Law 95-53
95th Congress

An Act

To authorize appropriations for fiscal years 1978, 1979, and 1980 to carry out the Commercial Fisheries Research and Development Act of 1964.

June 22, 1977
[H.R. 6206]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779b) is amended—

Commercial
Fisheries
Research and
Development Act
of 1964,
amendments.

(1) by amending subsection (a) to read as follows:

“(a) There are authorized to be appropriated to the Secretary of Commerce for apportionment to the States to carry out the purposes of this Act the following sums:

“(1) \$5,000,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, and September 30, 1977,

“(2) \$10,000,000 for each of the fiscal years ending September 30, 1978, September 30, 1979, and September 30, 1980.”;

(2) by amending that part of subsection (b) which precedes “and any sums made available” in the first proviso thereto to read as follows:

“(b) In addition to the amounts authorized in subsection (a) of this section, there are authorized to be appropriated to the Secretary of Commerce—

“(1) \$1,500,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, and September 30, 1977, and

“(2) \$3,000,000 for each of the fiscal years ending September 30, 1978, September 30, 1979, and September 30, 1980

which shall be available to the States in such amounts as the Secretary of Commerce may determine appropriate for the purposes of this Act: *Provided*, That the Secretary shall give a preference to those States in which he determines there is a commercial fishery failure or serious disruption affecting future production due to a resource disaster arising from natural or undetermined causes in providing funds to States from the amount in clause (2) of this subsection,”; and

(3) by amending subsection (c) to read as follows:

“(c) In addition to the funds authorized in subsections (a) and (b) of this section, there are authorized to be appropriated to the Secretary of Commerce the following sums which shall be made available to one or more States in such amounts as the Secretary of Commerce may determine to be appropriate for developing a new commercial fishery therein:

“(1) \$100,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, and September 30, 1977.

“(2) \$500,000 for each of the fiscal years ending September 30, 1978, September 30, 1979, and September 30, 1980.”.

Approved June 22, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-254 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 95-147 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 10, considered and passed House.

May 17, considered and passed Senate, amended.

June 1, House concurred in Senate amendment.

Public Law 95-54
95th Congress

An Act

June 25, 1977

[H.R. 3416]

To amend section 316(c) of the Agricultural Adjustment Act of 1938 to provide that leasing of flue-cured tobacco acreage-poundage marketing quotas after June 15 of any year be permitted only between farms on which at least 80 per centum of the farm acreage allotment was planted for such year.

Tobacco.
Quota transfers.
7 USC 1314b.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 316(c) of the Agricultural Adjustment Act of 1938 is amended by striking out the second sentence and inserting in lieu thereof "Any lease of Flue-cured tobacco acreage-poundage marketing quotas from any farm with an acreage-poundage marketing quota in excess of two thousand pounds filed on or after June 15 in any year shall not be effective unless the acreage planted on both the lessor and the lessee farms during the current marketing year was as much as 80 per centum of the farm acreage allotment in effect for such year."

Approved June 25, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-126 (Comm. on Agriculture).

SENATE REPORT No. 95-240 (Comm. on Agriculture, Nutrition, and Forestry).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 29, considered and passed House.

June 13, considered and passed Senate.

Public Law 95-55
95th Congress

An Act

To authorize the Secretary of Agriculture to permit general recreational access and geothermal explorations for six months within a portion of the Bull Run Reserve, Mount Hood National Forest, Oregon.

June 25, 1977
[H.R. 7606]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 1862 of title 18, United States Code, and without prejudice to any appeal pending or which may be taken from any decision based thereon, and in accordance with all other laws applicable to the National Forest System, the Secretary of Agriculture is authorized to manage under the provisions of the Multiple Use-Sustained Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528-531), for six months after the date of this Act, that area comprising approximately forty-two thousand five hundred acres depicted as the "Special Management Area, Bull Run Reserve, Mount Hood National Forest, Oregon" on a map dated June 1977, which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture.

Mount Hood
National Forest,
Oreg., recreation
and exploration
authorization.

Approved June 25, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-401 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 123 (1977):
June 14, considered and passed House.
June 16, considered and passed Senate.

Public Law 95-56
95th Congress

Joint Resolution

June 29, 1977

[S.J. Res. 63]

To amend the Federal Home Loan Bank Act.

Federal Home
Loan Bank Act,
amendment.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17(a) of the Federal Home Loan Bank Act (12 U.S.C. 1437), as amended, is amended by adding the following immediately at the end thereof: "Upon the expiration of the term of office of a member of the Federal Home Loan Bank Board, such member shall continue to serve until a successor is appointed and has qualified, but not to exceed thirty days."

Repeal; effective
date.

SEC. 2. The last sentence of section 17(a) of the Federal Home Loan Bank Act is repealed, effective August 1, 1977.

Approved June 29, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 15, considered and passed Senate.

June 20, considered and passed House.

Public Law 95-57
95th Congress

An Act

To amend chapter 5 of title 37, United States Code, to extend the special pay provisions for reenlistment and enlistment bonuses, and for other purposes.

June 29, 1977
[H.R. 583]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 308(d) of title 37, United States Code, is amended to read as follows:

Uniformed
services.
Reenlistment and
enlistment
bonuses.

“(d) A member who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section or a member who is not technically qualified in the skill for which a bonus was paid to him under this section (other than a member who is not qualified because of injury, illness, or other impairment not the result of his own misconduct) shall refund that percentage of the bonus that the unexpired part of his additional obligated service is of the total reenlistment or extension period for which the bonus was paid.”

(b) Section 308(f) of such title is amended by striking out “June 30, 1977” and inserting in lieu thereof “September 30, 1978”.

SEC. 2. (a) Section 308a(b) of title 37, United States Code, is amended to read as follows:

Regulations.

“(b) Under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a person who voluntarily, or because of his misconduct, does not complete the term of enlistment for which a bonus was paid to him under this section or a member who is not technically qualified in the skill for which a bonus was paid to him under this section (other than a person who is not qualified because of injury, illness, or other impairment not the result of his own misconduct) shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid.”

(b) Section 308a(c) is amended by striking out “June 30, 1977” and inserting in lieu thereof “September 30, 1978”.

SEC. 3. The amendments made by this Act shall become effective on July 1, 1977.

Effective date.
37 USC 308 note.

Approved June 29, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-9 (Comm. on Armed Services).

SENATE REPORT No. 95-106 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Feb. 8, considered and passed House.

May 2, considered and passed Senate, amended.

June 21, House concurred in Senate amendments.

Public Law 95-58
95th Congress

An Act

June 29, 1977

[H.R. 4301]

To authorize appropriations for the National Sea Grant Program Act during fiscal year 1978, and for other purposes.

Sea Grant
Program.
Appropriation
authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 206 and 212 of the National Sea Grant Program Act (33 U.S.C. 1125 and 1131) are each amended by striking out “the fiscal year ending September 30, 1977” and inserting in lieu thereof “each of the fiscal years ending September 30, 1977, and September 30, 1978”.

SEC. 2. Section 3(c) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is amended by striking out “the fiscal year ending September 30, 1977” and inserting in lieu thereof “each of the fiscal years ending September 30, 1977, and September 30, 1978”.

Approved June 29, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-287 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 95-213 accompanying S. 1350 (reported jointly by Comm. on Commerce, Science, and Transportation and Comm. on Human Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 16, considered and passed House.

May 23, considered and passed Senate, amended, in lieu of S. 1350.

June 10, House disagreed to Senate amendment.

June 17, Senate receded from its amendment.

Public Law 95-59
95th Congress

An Act

For the relief of Smith College, Northampton, Massachusetts, and for other purposes.

June 30, 1977
[H.R. 1404]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall admit free of duty thirty-three carillon bells (including all accompanying parts and accessories) for the use of Smith College, Northampton, Massachusetts, such bells being provided by the Paccard Fonderie de Cloches, Annecy, France.

Smith College,
Northampton,
Mass.; Social
Security Act,
amendments.

SEC. 2. If the liquidation of the entry for consumption of any article subject to the provisions of the first section of this Act has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

FOOD STAMP ELIGIBILITY FOR SUPPLEMENTAL SECURITY INCOME RECIPIENTS

SEC. 3. Effective July 1, 1977, section 8 of Public Law 93-233 is amended by striking out “June 30, 1977” where it appears—

(1) in the matter preceding the colon in subsection (a) (1), and in the new sentence added by such subsection, and
(2) in subsections (a) (2), (b) (1), (b) (2), (b) (3), and (f),
and by inserting in lieu thereof in each instance “September 30, 1978”.

7 USC 2012.

7 USC 612c note.
7 USC 1431 note.
7 USC 612c note.
42 USC 1382e
note.

EXTENSION OF FEDERAL FUNDS FOR CHILD SUPPORT COLLECTION AND PATER-
NITY ESTABLISHMENT SERVICES PROVIDED FOR PERSONS NOT RECEIVING
AID TO FAMILIES WITH DEPENDENT CHILDREN

SEC. 4. Section 455(a) of the Social Security Act is amended by striking out “June 30, 1977” in the matter following paragraph (2) and inserting in lieu thereof “September 30, 1978”.

42 USC 655.

EXTENSION OF TIME FOR MAKING REPORT BY SECRETARY REGARDING CHILD
DAY CARE SERVICES STANDARDS

SEC. 5. Section 2002(a)(9)(B) of the Social Security Act is amended by striking out “July 1, 1977” and inserting in lieu thereof “April 1, 1978”.

42 USC 1397a.

DEFERRAL OF IMPLEMENTATION OF CERTAIN DECREASES IN MEDICAID
MATCHING FUNDS42 USC 1396b
note.

42 USC 1396b.

42 USC 1396 *et*
seq.

SEC. 6. Notwithstanding the provisions of subsection (g) of section 1903 of the Social Security Act, the amount payable to any State for the calendar quarters during the period commencing April 1, 1977, and ending September 30, 1977, on account of expenditures made under a State plan approved under title XIX of such Act, shall not be decreased by reason of the application of the provisions of such subsection with respect to any period for which such State plan was in operation prior to April 1, 1977.

Approved June 30, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-80 (Comm. on Ways and Means).

SENATE REPORT No. 95-298 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 21, considered and passed House.

June 28, considered and passed Senate, amended.

June 30, House agreed to Senate amendment.

Public Law 95-60
95th Congress

Joint Resolution

To provide for a temporary extension of certain Federal Housing Administration mortgage insurance and related authorities and of the national flood insurance program, and for other purposes.

June 30, 1977
[H.J. Res. 525]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Housing.

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE
AUTHORITIES

- SECTION 1. (a) Section 2(a) of the National Housing Act is amended by striking out "June 30, 1977" in the first sentence and inserting in lieu thereof "August 1, 1977". 12 USC 1703.
- (b) Section 217 of such Act is amended by striking out "June 30, 1977" and inserting in lieu thereof "July 31, 1977". 12 USC 1715h.
- (c) Section 221(f) of such Act is amended by striking out "June 30, 1977" in the fifth sentence and inserting in lieu thereof "July 31, 1977". 12 USC 1715l.
- (d) Section 244(d) of such Act is amended by striking out "June 30, 1977" in the first sentence and inserting in lieu thereof "July 31, 1977". 12 USC 1715z-9.
- (e) Section 809(f) of such Act is amended by striking out "June 30, 1977" in the second sentence and inserting in lieu thereof "July 31, 1977". 12 USC 1748h-1.
- (f) Section 810(k) of such Act is amended by striking out "June 30, 1977" in the second sentence and inserting in lieu thereof "July 31, 1977". 12 USC 1748h-2.
- (g) Section 1002(a) of such Act is amended by striking out "June 30, 1977" in the second sentence and inserting in lieu thereof "July 31, 1977". 12 USC 1749bb.
- (h) Section 1101(a) of such Act is amended by striking out "June 30, 1977" in the second sentence and inserting in lieu thereof "July 31, 1977". 12 USC 1749aaa.

EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY

SEC. 2. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, as amended (12 U.S.C. 1709-1), is amended by striking out "June 30, 1977" and inserting in lieu thereof "August 1, 1977".

EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM

SEC. 3. Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "June 30, 1977" and inserting in lieu thereof "July 31, 1977". 42 USC 4026.

EXTENSION OF RURAL HOUSING AUTHORITIES

- 42 USC 1483. SEC. 4. (a) Section 513 of the Housing Act of 1949 is amended by striking out "June 30, 1977" where it appears in paragraphs (b), (c), and (d) and inserting in lieu thereof "July 31, 1977".
- 42 USC 1485. (b) Section 515 of such Act is amended by striking out "June 30, 1977" where it appears in paragraph (b)(5) and inserting in lieu thereof "July 31, 1977".
- 42 USC 1487. (c) Section 517 of such Act is amended by striking out "June 30, 1977" where it appears in paragraph (a)(1) and inserting in lieu thereof "July 31, 1977".
- 42 USC 1490c. (d) Section 523(f) of such Act is amended by striking out "July 1, 1977" where it appears in paragraph (f) and inserting in lieu thereof "August 1, 1977"; and by striking out "June 30, 1977" where it appears in such paragraph (f) and inserting in lieu thereof "July 31, 1977".

Approved June 30, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):
June 27, considered and passed House.
June 29, considered and passed Senate.

Public Law 95-61
95th Congress

An Act

To authorize appropriations for the United States Coast Guard for fiscal year 1978, and for other purposes.

July 1, 1977

[H.R. 6823]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated for necessary expenses of the United States Coast Guard for fiscal year 1978, as follows:

U.S. Coast Guard.
Appropriation
authorization.

(1) For the operation and maintenance of the Coast Guard, including expenses related to the Capehart housing debt reduction: \$887,521,000;

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto: \$330,300,000, to remain available until expended;

(3) For the alteration or removal of bridges over navigable waters of the United States, constituting obstructions to navigation: \$19,100,000, to remain available until expended; and

(4) For research, development, test, and evaluation: \$25,600,000, to remain available until expended.

SEC. 2. For fiscal year 1978, the Coast Guard is authorized an end strength for active duty personnel of 39,145: *Provided*, That the ceiling shall not include members of the Ready Reserve called to active duty under the authority of section 764 of title 14, United States Code.

Active duty
personnel
strength,
authorization.

SEC. 3. For fiscal year 1978, average military training student loads for the Coast Guard are authorized as follows:

Military training
student loads,
authorization.

(1) recruit and special training: 3,872 students;

(2) flight training: 109 students;

(3) professional training in military and civilian institutions: 415 students; and

(4) officer acquisitions: 1,110 students.

SEC. 4. Title 14, United States Code, is amended—

(1) by adding a new section to chapter 17, after section 658, as follows:

“§ 659. Merger of obligated balances with current appropriations 14 USC 659.

“Amounts equal to the obligated balances against appropriations for ‘Operating expenses’ and for ‘Reserve training’, for the two fiscal years preceding the current fiscal year, shall be transferred to and merged with current fiscal year appropriations for ‘Operating expenses’ and ‘Reserve training’, respectively. The obligated balances for the period commencing on July 1, 1976, and ending on September 30, 1976, may be merged into the respective accounts for fiscal years 1977 and 1978. Such merged appropriations shall be available as one fund, for the payment of obligations properly incurred against such prior year appropriations and against the current fiscal year appropriations. Coast Guard accounting shall reflect year identity of the merged obligated balances until such obligated balances are transferred to a consolidated account as prescribed in section 1 of the Act of July 25, 1956, as amended (31 U.S.C. 701).” and

(2) by amending the analysis of chapter 17 by inserting at the end thereof the following item:

“659. Merger of obligated balances with current appropriations.”.

SEC. 5. Notwithstanding the provisions of any other law, available funds appropriated to or for the use of the Coast Guard for “Acquisition, Construction, and Improvements” may be used to pay for part of the construction and other capital costs of a sewage treatment plant to be built, operated, and owned by the North Marin County Water District (California) and to be used by Coast Guard facilities located in the vicinity of Point Reyes Station, California.

SEC. 6. The Coast Guard is authorized to accept and retain funds from the city of Baltimore, Maryland, in payment for Coast Guard facilities to be removed by the city incident to the improvement of Hawkins Point Road, the funds to be available, until expended, for the construction of replacement facilities. Any funds not obligated by the end of fiscal year 1980 shall be paid into the Treasury of the United States.

SEC. 7. (a) The last sentence of section 4426 of the Revised Statutes of the United States (46 U.S.C. 404), as amended, is further amended by striking out “July 11, 1978” and inserting in lieu thereof “January 1, 1983”.

(b) The first section of the Act of June 20, 1936 (relating to certain seagoing vessels) (46 U.S.C. 367), as amended, is further amended by striking out “July 11, 1978” and inserting in lieu thereof “January 1, 1983”.

(c) Subsection (b) of the first section of the Act of August 27, 1935 (relating to load lines for certain vessels) (46 U.S.C. 88(b)), as amended, is further amended by striking out “July 11, 1978” and inserting in lieu thereof “January 1, 1983”.

SEC. 8. (a) The Commandant of the Coast Guard is authorized to assist the Department of Health, Education, and Welfare, in providing medical emergency helicopter transportation services to civilians. Any resources provided under this section shall be under such terms and conditions, including reimbursement, as the Commandant of the Coast Guard deems appropriate and shall be subject to the following specific limitations:

(1) Assistance may be provided only in areas where the Coast Guard units able to provide such assistance are regularly assigned, and Coast Guard units shall not be transferred from one area to another for the purpose of providing such assistance.

(2) Assistance may be provided only to the extent that it does not interfere with the performance of the Coast Guard mission.

(3) The provision of assistance shall not cause any increase in funds required for the operation of the Coast Guard.

Medical
emergency
helicopter
transportation
services.
Federal agencies,
cooperation.
14 USC 141 note.
Limitations.

(b) No individual (or his estate) who is authorized by the Coast Guard to perform services under a program established pursuant to subsection (a), and who is acting within the scope of his duties, shall be liable for injury to, or loss of property or personal injury or death which may be caused incident to providing such services. Liability.

Approved July 1, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-308 (Comm. on Merchant Marine and Fisheries) and No. 95-418 (Comm. of Conference).

SENATE REPORTS: No. 95-200 accompanying S. 1250 (Comm. on Commerce, Science, and Transportation) and No. 95-272 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 16, considered and passed House.

May 25, considered and passed Senate, amended, in lieu of S. 1250.

June 15, Senate agreed to conference report.

June 21, House agreed to conference report.

Public Law 95-62
95th Congress

An Act

July 5, 1977

[H.R. 3695]

To amend title 38 of the United States Code in order to revise and improve the program of making grants to the States for the construction, remodeling, or renovation of State home facilities for furnishing hospital, domiciliary, and nursing home care for eligible veterans, and for other purposes.

State Veterans'
Home Assistance
Improvement Act
of 1977.

38 USC 101 note.
Repeal.

"Construction".

"Cost of
construction".

Appropriation
authorization.

Funds,
availability.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "State Veterans' Home Assistance Improvement Act of 1977".

SEC. 2. Subchapter V of chapter 17 of title 38, United States Code, is amended by striking out section 644 in its entirety.

SEC. 3. Subchapter III of chapter 81 of title 38, United States Code, is amended by—

(1) amending section 5031 (c) to read as follows:

"(c) The term 'construction' means the construction of new domiciliary or nursing home buildings, the expansion, remodeling, or alteration of existing buildings for the provision of domiciliary, nursing home, or hospital care in State homes, and the provision of initial equipment for any such buildings.";

(2) amending section 5031 (d) to read as follows:

"(d) The term 'cost of construction' means the amount found by the Administrator to be necessary for a construction project, including architect fees, but excluding land acquisition costs.";

(3) amending section 5032 to read as follows:

"The purpose of this subchapter is to assist the several States to construct State home facilities for furnishing domiciliary or nursing home care to veterans, and to expand, remodel, or alter existing buildings for furnishing domiciliary, nursing home, or hospital care to veterans in State homes.";

(4) amending section 5033 to read as follows:

"(a) There is hereby authorized to be appropriated \$15,000,000 for the fiscal year ending September 30, 1978, and a like sum for the succeeding fiscal year. Sums appropriated pursuant to this section shall be used for making grants to States which have submitted, and have had approved by the Administrator, applications for carrying out the purposes and meeting the requirements of this subchapter.

"(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until expended.";

(5) amending section 5034 (2) to read as follows:

"(2) General standards of construction, repair, and equipment for facilities constructed with assistance received under this subchapter.";

(6) striking out in section 5034 (3) "nursing home";

(7) striking out in section 5035 (a) "for furnishing nursing home care";

(8) amending section 5035 (a) (4) by striking out "nursing home care to veterans" and inserting in lieu thereof "to veterans the level of care for which such application is made"; by striking

out “10 per centum” and inserting in lieu thereof “25 per centum”; and by striking out “nursing home” and inserting in lieu thereof “such level of”;

(9) amending section 5035(b)(3) to read as follows:

“(3) the application contains such reasonable assurances under subsection (a) of this section as the Administrator may determine to be necessary, and”;

(10) inserting in section 5035(c) “notice and” after “applicant”;

(11) amending section 5035(d) by inserting “(1)” before “Upon”; by striking out “requested with respect to such project in such application,” and inserting in lieu thereof “so approved,”; and by inserting at the end of subsection (d) the following new paragraph:

“(2) No one State may receive in any fiscal year in the aggregate under this subchapter more than one-third of the amount appropriated for carrying out this subchapter in such fiscal year.”;

(12) striking out in section 5035(e) “approved application” and inserting in lieu thereof “application, whether or not approved,”; and

(13) amending section 5036 by striking out “of facilities for furnishing nursing home care”; by inserting immediately before the comma following the word “subchapter” where it first appears “(except that the Administrator, pursuant to regulations which the Administrator shall prescribe, may at the time of such grant provide for a shorter period than twenty, but not less than seven, years, based on the magnitude of the project and the grant amount involved, in the case of the expansion, remodeling, or alteration of existing facilities)”; by striking out “nursing home care” where it appears the second time and inserting in lieu thereof “domiciliary, nursing home, or hospital care”; and by striking out “facilities,” where it appears the third time and inserting in lieu thereof “construction (but in no event an amount greater than the amount of assistance provided for such construction under this subchapter).”.

Regulations.

SEC. 4. (a) The heading at the beginning of subchapter III of chapter 81 of title 38, United States Code, is amended by striking out “Nursing Home Care” and inserting in lieu thereof “Domiciliary, Nursing Home, and Hospital Care”.

(b) The table of sections at the beginning of chapter 17 of such title, is amended by striking out

“644. Authorization of appropriations.”.

(c) The table of sections at the beginning of the heading of subchapter III of chapter 81 of such title, is amended by striking out “NURSING HOME CARE” and inserting in lieu thereof “DOMICILIARY, NURSING HOME, AND HOSPITAL CARE”.

SEC. 5. (a) Except as provided in subsection (b) of this section, the amendments made by this Act shall be effective October 1, 1977.

(b) (1) The terms and conditions of any grant made prior to October 1, 1977, under section 644 of title 38, United States Code, and regulations prescribed thereunder, shall remain in full force and effect unless modified, by the mutual agreement of the parties, in accordance with the provisions of subchapter III of chapter 81 of such title, and regulations prescribed thereunder, in effect after September 30, 1977.

Effective date.

38 USC 5031

note.

Savings provision.

38 USC 5031 *et seq.*

Grants,
modification.
38 USC 5031 *et*
seq.

(2) With respect to any grant made prior to October 1, 1977, under subchapter III of chapter 81 of such title, the Administrator of Veterans' Affairs shall, upon application of a grantee, modify the terms and conditions of such grant to comply with the provisions of such subchapter as amended by this Act, and regulations prescribed thereunder, and shall promptly notify each such grantee of the grantee's right to request such modification.

Approved July 5, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-112 (Comm. on Veterans' Affairs).
SENATE REPORT No. 95-166 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 123 (1977):
Apr. 4, considered and passed House.
May. 24, considered and passed Senate, amended.
June 22, House concurred in Senate amendment.

Public Law 95-63
95th Congress

An Act

To establish qualifications for individuals appointed to the National Advisory Committee on Oceans and Atmosphere and to authorize appropriations for the Committee for fiscal year 1978.

July 5, 1977

[H.R. 3849]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Advisory Committee on Oceans and Atmosphere Act of 1977".

SEC. 2. ESTABLISHMENT.

There is hereby established a committee of 18 members to be known as the National Advisory Committee on Oceans and Atmosphere (hereinafter in this Act referred to as the "Committee").

SEC. 3. MEMBERSHIP, TERMS, AND DUTIES.

(a) **MEMBERSHIP.**—The members of the Committee, who may not be full-time officers or employees of the United States, shall be appointed by the President. Members shall be appointed only from among individuals who are eminently qualified by way of knowledge and expertise in the following areas of direct concern to the Committee—

(1) one or more of the disciplines and fields included in marine science and technology, marine industry, marine-related State and local governmental functions, coastal zone management, or other fields directly appropriate for consideration of matters of ocean policy; or

(2) one or more of the disciplines and fields included in atmospheric science, atmospheric-related State and local governmental functions, or other fields directly appropriate for consideration of matters of atmospheric policy.

(b) **TERMS.**—(1) The term of office of a member of the Committee shall be 3 years; except that, of the original appointees, 6 shall be appointed for a term of 1 year, 6 shall be appointed for a term of 2 years, and 6 shall be appointed for a term of 3 years.

(2) Any individual appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. No individual may be reappointed to the Committee for more than one additional 3-year term. A member may serve after the date of the expiration of the term of office for which appointed until his or her successor has taken office, or until 90 days after such date, whichever is earlier. The terms of office for members first appointed after the date of enactment of this Act shall begin on July 1, 1977.

(c) **CHAIRMAN.**—The President shall designate one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

National
Advisory
Committee on
Oceans and
Atmosphere Act
of 1977.

33 USC 857-13
note.

33 USC 857-13.

33 USC 857-14.

Vacancies.

(d) **DUTIES.**—The Committee shall—

(1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; and

(2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration.

33 USC 857-15.

Submittal to
President and
Congress.

SEC. 4. REPORTS.

(a) **IN GENERAL.**—The Committee shall submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and shall submit such other reports as may from time to time be requested by the President or the Congress.

(b) **REVIEW BY SECRETARY.**—Each annual report shall also be submitted to the Secretary of Commerce, who shall, within 60 days after receipt thereof, transmit his or her comments and recommendations to the President and to the Congress.

(c) **ANNUAL REPORT SUBMITTAL.**—The annual report required under subsection (a) shall be submitted on or before June 30 of each year, beginning with June 30, 1978.

33 USC 857-16.

SEC. 5. COMPENSATION AND TRAVEL EXPENSES.

Members of the Committee shall each be entitled to receive compensation of \$100 per day for each day (including traveltime) during which they are engaged in the actual performance of the duties of the Committee. In addition, while away from their homes or regular places of business in the performance of the duties of the Committee, each member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

33 USC 857-17.

Senior policy
official.

SEC. 6. INTERAGENCY COOPERATION AND ASSISTANCE.

(a) **LIAISON.**—The head of each department or agency of the Federal Government concerned with marine and atmospheric matters shall designate a senior policy official to participate as observer in the work of the Committee and offer necessary assistance.

(b) **AGENCY ASSISTANCE.**—The Committee is authorized to request from the head of any department, agency, or independent instrumentality of the Federal Government any information and assistance it deems necessary to carry out the functions assigned under this Act. The head of each such department, agency, or instrumentality is authorized to cooperate with the Committee, and, to the extent permitted by law, to furnish such information and assistance to the Committee upon request made by the Chairman, without reimbursement for such services and assistance.

(c) **ADMINISTRATIVE ASSISTANCE.**—The Secretary of Commerce shall make available to the Committee such staff, information, personnel, and administrative services and assistance as may reasonably be required to carry out the provisions of this Act.

SEC. 7. REPEAL AND TRANSFER.

(a) **REPEAL.**—The Act of August 16, 1971 (establishing an advisory committee on oceans and atmosphere) (33 U.S.C. 857-6 et seq.) is hereby repealed.

(b) **TRANSFER.**—All personnel, positions, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions specified by the Act of August 16, 1971 (establishing an advisory committee on oceans and atmosphere), are hereby transferred to the National Advisory Committee on Oceans and Atmosphere established by this Act. The personnel transferred under this subsection shall be so transferred without reduction in classification or compensation except, that after such transfer, such personnel shall be subject to reductions in classification or compensation in the same manner, to the same extent, and according to the same procedure as other employees of the United States classified and compensated according to the General Schedule in title 5, United States Code.

33 USC 857-13
note.

5 USC 5332 note.

SEC. 8. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated for purposes of carrying out the provisions of this Act not to exceed \$520,000 for the fiscal year ending September 30, 1978. Such sums as may be appropriated under this section shall remain available until expended.

33 USC 857-18.

Approved July 5, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-297 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 95-211 accompanying S. 1347 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 16, considered and passed House.

May 23, considered and passed Senate, amended, in lieu of S. 1347.

June 21, House concurred in Senate amendment with amendments.

June 22, Senate concurred in House amendments.

Public Law 95-64
95th Congress

Joint Resolution

July 11, 1977

[H.J. Res. 539]

To amend the statute of limitations provisions in section 2415 of title 28, United States Code, relating to claims by the United States on behalf of Indians.

Indian claims.
Commencement
of actions.

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That (a) the third proviso in section 2415(a) of title 28, United States Code, is amended by deleting the words “more than eleven years after the right of action accrued” therein, and substituting the words “after August 18, 1977” in their place.

(b) The proviso in section 2415(b) to title 28, United States Code, is amended by deleting the words “within eleven years after the right of action accrues” therein, and substituting the words “on or before August 18, 1977” in their place.

Approved July 11, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 30, considered and passed House and Senate.

Public Law 95-65
95th Congress

An Act

To amend the Age Discrimination Act of 1975 to extend the date upon which the United States Commission on Civil Rights is required to file its report under such Act, and for other purposes.

July 11, 1977

[H.R. 6668]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307(d) of the Age Discrimination Act of 1975 (42 U.S.C. 6106(d)) is amended—

Age
discrimination;
nutrition program
for the elderly.

(1) by striking out “eighteen months” and inserting in lieu thereof “two years”; and

(2) by adding at the end thereof the following new sentence: “The Commission is authorized to provide, upon request, information and technical assistance regarding its findings and recommendations to Congress, to the President, and to the heads of Federal departments and agencies for a ninety-day period following the transmittal of its report.”.

SEC. 2. (a) Section 707(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3045f(a)(4)) is amended by striking out “and” following “1976,” and by inserting after “1977” a comma and the following: “and the fiscal year ending September 30, 1978”.

(b) (1) Section 707(d)(1) of the Older Americans Act of 1965 (42 U.S.C. 3045f(d)(1)) is amended by striking out “in any case in which a State has phased out its commodity distribution facilities before June 30, 1974, such” and inserting in lieu thereof “a”.

(2) The second sentence of section 707(d)(2) of the Older Americans Act of 1965 (42 U.S.C. 3045f(d)(2)) is amended by inserting “only” after “shall”.

Approved July 11, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-267 (Comm. on Education and Labor).

SENATE REPORTS: No. 95-149 accompanying S. 1170 and No. 95-150 accompanying S. 1321 (both from Comm. on Human Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 9, considered and passed House.

May 17, S. 1170 and S. 1321 considered and passed Senate.

May 18, considered and passed Senate, amended, in lieu of S. 1170 and S. 1321.

June 15, House concurred in Senate amendment with an amendment.

June 28, Senate agreed to House amendment.

Public Law 95-66
95th Congress

An Act

July 11, 1977

[S. 964]

To provide that the salaries of certain positions and individuals which were increased as a result of the operation of the Federal Salary Act of 1967 shall not be increased by the first comparability pay adjustment occurring after the date of the enactment of this Act.

Federal
comparability
pay adjustments.
Temporary
prohibition.

3 USC 104 note.

2 USC 31 note.

28 USC 461 note.

5 USC 5318 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, the first adjustment which, but for this Act, would be made after the date of enactment of this Act under the following provisions of law in the salary or rate of pay of positions or individuals to which such provisions apply, shall not take effect:

(1) the second sentence of section 104 of title 3, United States Code, relating to comparability adjustments in the salary of the Vice President of the United States;

(2) paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31), relating to comparability adjustments in the annual rate of pay of Members of Congress;

(3) section 461 of title 28, United States Code, relating to comparability adjustments in the salary and rate of pay of justices, judges, commissioners, and referees; and

(4) section 5318 of title 5, United States Code, relating to comparability adjustments in the annual rate of pay for positions in the Executive Schedule.

Approved July 11, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-458 (Comm. on Post Office and Civil Service).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 10, considered and passed Senate.

June 28, considered and passed House.

Public Law 95-67
95th Congress

An Act

To amend title 4 of the United States Code to make it clear that Members of Congress may not, for purposes of State income tax laws, be treated as residents of any State other than the State from which they were elected.

July 19, 1977
[H.R. 6893]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 4 of title 4 of the United States Code is amended by adding at the end thereof the following new section:

U.S. Congress.
Members,
residency for
income tax
purposes.
4 USC 113.

“§ 113. Residence of Members of Congress for State income tax laws

“(a) No State, or political subdivision thereof, in which a Member of Congress maintains a place of abode for purposes of attending sessions of Congress may, for purposes of any income tax (as defined in section 110(c) of this title) levied by such State or political subdivision thereof—

“(1) treat such Member as a resident or domiciliary of such State or political subdivision thereof; or

“(2) treat any compensation paid by the United States to such Member as income for services performed within, or from sources within, such State or political subdivision thereof, unless such Member represents such State or a district in such State.

“(b) For purposes of subsection (a)—

Definitions.

“(1) the term ‘Member of Congress’ includes the delegates from the District of Columbia, Guam, and the Virgin Islands, and the Resident Commissioner from Puerto Rico; and

“(2) the term ‘State’ includes the District of Columbia.”.

(b) The table of sections for such chapter 4 is amended by adding at the end thereof the following new item:

“113. Residence of Members of Congress for State income tax laws.”.

(c) The amendments made by subsections (a) and (b) shall be effective with respect to all taxable years, whether beginning before, on, or after the date of the enactment of this Act.

Effective date.
4 USC 113 note.

Approved July 19, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-377 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 123 (1977):

June 6, considered and passed House.

June 16, considered and passed Senate, amended.

July 12, House concurred in Senate amendment.

Public Law 95-68
95th Congress

An Act

July 20, 1977
[H.R. 4992]

To amend the Indian Financing Act of 1974 by revising the appropriations authorization for the Indian business development program.

Indian Financing
Act of 1974,
amendment.
25 USC 1523.
Appropriation
authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403 of the Indian Financing Act of 1974 (88 Stat. 77, 83), is amended to read as follows:

“Sec. 403. There are authorized to be appropriated not to exceed the sum of \$14,000,000 for each of the fiscal years 1978 and 1979 for the purposes of this title.”.

Approved July 20, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-271 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 95-304 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 17, considered and passed House.

June 30, considered and passed Senate.

Public Law 95-69
95th Congress

An Act

To authorize appropriations for the Indian Claims Commission for fiscal year 1978; to facilitate the transfer of cases from the Indian Claims Commission to the United States Court of Claims; and for other purposes.

July 20, 1977

[H.R. 4585]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to carry out the provisions of the Indian Claims Commission Act (25 U.S.C. 70), during fiscal year 1978, not to exceed \$2,250,000.

Indian Claims
Commission.
Appropriation
authorization.

SEC. 2. The Act entitled "An Act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes," approved August 13, 1946 (60 Stat. 1049), as amended, is further amended by adding thereto the following new section:

25 USC 70.

"CASES TRANSFERRED TO THE UNITED STATES COURT OF CLAIMS

"SEC. 29. (a) The powers of the Commission set forth in the first paragraph of section 15 of this Act, relative to fees and expenses for any attorney or attorneys for any tribe, band, or other identifiable group of Indians, shall be exercised by the United States Court of Claims with respect to any case transferred pursuant to this Act, as amended.

25 USC 70v-3.
25 USC 70n.

"(b) The powers of the Commission set forth in section 14 of this Act, relating to information from governmental departments and official records as evidence, may be exercised by the United States Court of Claims with respect to any case transferred pursuant to this Act, as amended.

25 USC 70m.

"(c) Final judgments rendered by the United States Court of Claims on cases transferred to it pursuant to this Act, as amended, shall be paid in the same manner as other judgments of the court in accordance with the provisions of sections 2517 and 2518 of title 28, United States Code.

"(d) Cases transferred to the United States Court of Claims pursuant to this Act, as amended, shall be thereafter subject to review by the Supreme Court in accordance with the provisions of section 1255 of title 28, United States Code: *Provided*, That any decision of the Commission rendered in a case prior to its transfer, which could have been appealed pursuant to the provisions of section 20 of this Act, as amended, shall be appealable to the Court of Claims subject to such provisions: *Provided further*, That such provisions shall not otherwise be applicable to transferred cases.

25 USC 70s.

"(e) The provisions of the Act of November 4, 1963 (77 Stat. 301), as amended, shall continue and shall be in effect with respect to all cases transferred to the United States Court of Claims pursuant to this Act, as amended."

25 USC 70n-1.

U.S. Court of
Claims
commissioners,
appointment.

SEC. 3. Subsection (a) of section 792 of title 28, United States Code is amended to read as follows:

“(a) The Court of Claims may appoint sixteen commissioners who shall be subject to removal by the court and shall devote all their time to the duties of the office. The Court shall designate one of the commissioners to serve at the will of the court as chief commissioner.”.

Approved July 20, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-234, pt. I (Comm. on Interior and Insular Affairs) and 95-234, pt. II (Comm. on the Judiciary).

SENATE REPORT No. 95-303 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 6, considered and passed House.

June 30, considered and passed Senate.

Public Law 95-70
95th Congress

An Act

To amend the Federal Energy Administration Act of 1974 to extend the duration of authorities under such Act, to authorize appropriations for the Federal Energy Administration for the 1978 fiscal year, and for other purposes.

July 21, 1977

[S. 1468]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Energy
Administration
Authorization Act
of 1977.
15 USC 761 note.

SHORT TITLE

SECTION 1. This Act may be cited as the “Federal Energy Administration Authorization Act of 1977”.

GENERAL AUTHORIZATION OF APPROPRIATIONS

SEC. 2. Section 29 of the Federal Energy Administration Act of 1974 (15 U.S.C. 761 note) is amended to read as follows:

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 29. (a) There are authorized to be appropriated to the Federal Energy Administration the following sums:

“(1) subject to the restrictions specified in subsection (b), to carry out the functions identified as assigned to Executive Direction and Administration of the Federal Energy Administration as of January 1, 1977—

“(A) for the fiscal year ending September 30, 1977, not to exceed \$35,627,000; and

“(B) for the fiscal year ending September 30, 1978, not to exceed \$41,017,000.

“(2) to carry out the functions identified as assigned to the Office of Energy Information and Analysis as of January 1, 1977—

“(A) for the fiscal year ending September 30, 1977, not to exceed \$34,971,000; and

“(B) for the fiscal year ending September 30, 1978, not to exceed \$43,544,000.

“(3) to carry out the functions identified as assigned to the Office of Regulatory Programs as of January 1, 1977—

“(A) for the fiscal year ending September 30, 1977, not to exceed \$62,459,000; and

“(B) for the fiscal year ending September 30, 1978, not to exceed \$62,459,000.

“(4) to carry out the functions identified as assigned to the Office of Conservation and Environment as of January 1, 1977 (other than functions described in part A and part D of title IV of the Energy Conservation and Production Act, parts B and C of title III of the Energy Policy and Conservation Act and, for the fiscal year ending September 30, 1977, functions described in title II of the Energy Conservation and Production Act and in paragraph (7) of this subsection)—

“(A) for the fiscal year ending September 30, 1977, not to exceed \$38,603,000; and

42 USC 6861,
6881.
42 USC 6291,
6321.
42 USC 6801.

“(B) for the fiscal year ending September 30, 1978, not to exceed \$46,908,000.

“(5) to carry out the functions identified as assigned to the Office of Energy Resource Development as of January 1, 1977—

“(A) for the fiscal year ending September 30, 1977, not to exceed \$16,934,000; and

“(B) for the fiscal year ending September 30, 1978, not to exceed \$26,017,000.

“(6) to carry out the functions identified as assigned to the Office of International Energy Affairs as of January 1, 1977—

“(A) for the fiscal year ending September 30, 1977, not to exceed \$1,921,000; and

“(B) for the fiscal year ending September 30, 1978, not to exceed \$1,846,000.

“(7) subject to the restriction specified in subsection (c), to carry out a program to develop the policies, plans, implementation strategies, and program definitions for promoting accelerated utilization and widespread commercialization of solar energy and to provide overall coordination of Federal solar energy commercialization activities, for the fiscal year ending September 30, 1977, not to exceed \$2,500,000.

“(8) for the purpose of permitting public use of the Project Independence Evaluation System pursuant to section 31 of this Act, not to exceed the aggregate amount of the fees estimated to be charged for such use.

15 USC 787.

Restrictions.

“(b) The following restrictions shall apply to the authorization of appropriations specified in paragraph (1) of subsection (a)—

“(1) amounts to carry out the functions identified as assigned to the Office of Communication and Public Affairs as of January 1, 1977, shall not exceed \$2,112,000 for the fiscal year ending September 30, 1977; and

“(2) no amounts authorized to be appropriated in such paragraph may be used to carry out the functions identified as assigned to the Office of Nuclear Affairs as of January 1, 1976.

“(c) No amounts authorized to be appropriated in paragraphs (5) (B) and (7) of subsection (a) may be used to carry out solar energy research, development, or demonstration activities.

Transfer of funds.

“(d) Subject to the provisions of any other law enacted after the date of the enactment of this subsection, if any function for which funds are authorized to be appropriated by this section is transferred by or pursuant to any such provision of law to any department, agency, or office, the unexpended balances of appropriations, authorizations, allocations, and other funds, held, used, arising from, available to, or to be made available in connection with such function shall be transferred to such department, agency, or office, but shall continue to be subject to any restriction to which they were subject before such transfer.”.

ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS OTHER THAN AUTOMOBILES

SEC. 3. (a) Section 339(c) (2) of the Energy Policy and Conservation Act (42 U.S.C. 6309(c) (2)) is amended by striking out “\$700,000” and inserting in lieu thereof “\$2,500,000”.

(b) Section 339(c)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6309(c)(3)) is amended by striking out “\$700,000” and inserting in lieu thereof “\$1,800,000”.

STRATEGIC PETROLEUM RESERVE

SEC. 4. Section 166 of the Energy Policy and Conservation Act (42 U.S.C. 6246) is amended by striking out “and” at the end of paragraph (1), by striking out the period in paragraph (2) and inserting in lieu thereof “; and”, and by adding at the end thereof the following new paragraph:

“(3) such funds for the fiscal year ending September 30, 1978, not to exceed \$1,210,000,000, as are necessary to permit the acquisition and storage of petroleum products in the Strategic Petroleum Reserve, in accordance with the storage schedule set forth in the Strategic Petroleum Reserve Plan then in effect in excess of the minimum volume specified in section 154(a), but not in excess of 500,000,000 barrels.”. 42 USC 6234.

ENERGY CONSERVATION AND RENEWABLE-RESOURCE OBLIGATION GUARANTEES

SEC. 5. Section 451(g) of the Energy Conservation and Production Act (42 U.S.C. 6881(g)) is amended by adding at the end thereof the following new paragraph:

“(3) There is authorized to be appropriated to carry out the provisions of this part, including administrative costs, but not for the payment of amounts to be paid under subsection (f)—

Appropriation
authorization.

“(A) for the fiscal year ending September 30, 1977, not to exceed \$1,836,000; and

“(B) for the fiscal year ending September 30, 1978, not to exceed \$4,950,000.”

FEDERAL ENERGY ADMINISTRATION ACT EXTENSION

SEC. 6. The second sentence of section 30 of the Federal Energy Administration Act of 1974 (15 U.S.C. 761 note) is amended to read as follows: “This Act shall terminate September 30, 1978.”.

EXTENSION OF COAL CONVERSION AND ALLOCATION AUTHORITY

SEC. 7. Paragraph (1) of section 2(f) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 792(f)(1)) is amended by striking out “shall expire at midnight, June 30, 1977” and inserting in lieu thereof “shall expire at midnight, December 31, 1978”.

AUTHORITY AND RESPONSIBILITY OF GENERAL COUNSEL

SEC. 8. Section 7 of the Federal Energy Administration Act of 1974 (15 U.S.C. 766) is amended by adding at the end thereof the following new subsection:

“(1) Effective beginning July 1, 1977, amounts authorized to be appropriated under this Act or any other Act shall not be available for the payment of salaries and other expenses with respect to any office of regional counsel of the Administration unless such office is

under the direct supervision and control of the General Counsel of the Administration.”.

USE OF COMMERCIAL STANDARDS

SEC. 9. Part A of the Federal Energy Administration Act of 1974 (15 U.S.C. 761 et seq.) is amended by adding at the end thereof the following new section:

“USE OF COMMERCIAL STANDARDS

Proposed rules.
15 USC 788.

“SEC. 32. (a) If any proposed rule by the Administrator contains any commercial standards, or specifically authorizes or requires the use of any such standards, then any general notice of the proposed rulemaking shall—

“(1) identify, by name, the organization which promulgated such standards; and

“(2) state whether or not, in the judgment of the Administrator, such organization complied with the requirements of subsection (b) in the promulgation of such standards.

“(b) An organization complies with the requirements of this subsection in promulgating any commercial standards if—

Hearings or
meetings.

“(1) it gives interested persons adequate notice of the proposed promulgation of the standards and an opportunity to participate in the promulgation process through the presentation of their views in hearings or meetings which are open to the public;

“(2) the membership of the organization at the time of the promulgation of the standards is sufficiently balanced so as to allow for the effective representation of all interested persons;

Information,
availability to
public.

“(3) before promulgating such standards, it makes available to the public any records of proceedings of the organization, and any documents, letters, memorandums, and materials, relating to such standards; and

“(4) it has procedures allowing interested persons to—

“(A) obtain a reconsideration of any action taken by the organization relating to the promulgation of such standards, and

“(B) obtain a review of the standards (including a review of the basis or adequacy of such standards).

Consultation.

“(c) The Administrator shall not incorporate within any rule, nor prescribe any rule specifically authorizing or requiring the use of, any commercial standards unless he has consulted with the Attorney General and the Chairman of the Federal Trade Commission concerning the impact of such standards on competition and neither such individual recommends against such incorporation or use.

“(d) The foregoing provisions of this section shall not apply with respect to rules prescribed by the Administrator which relate to the procurement activities of the Administration.

Guidelines and
criteria.

“(e) Not later than 90 days after the date of the enactment of this section, the Administrator shall prescribe, by rule, guidelines or criteria which set forth the extent to which, and the terms and conditions under which, employees of the Administration may participate in their official capacity in the activities of any organization (which is not a Federal entity) which relate to the promulgation of commercial stand-

ards. Such guidelines and criteria may allow for such participation if it is in the public interest and relates to the purposes of this Act, but in no event may such employees who are participating in their official capacity be allowed under such guidelines or criteria to vote on any matter relating to commercial standards.

“(f) As used in this section, the term ‘commercial standards’ means—” “Commercial standards.”

- “(1) specifications of materials;
 - “(2) methods of testing;
 - “(3) criteria for adequate performance or operation;
 - “(4) model codes;
 - “(5) classification of components;
 - “(6) delineation of procedures or definition of terms;
 - “(7) measurement of quantity or quality for evaluating or referring to materials, products, systems, services, or practices; or
 - “(8) similar rules, procedures, requirements, or standards;
- which are promulgated by any organization which is not a Federal entity. For purposes of the preceding sentence, any revision by any such organization of any such rule, procedure, requirement, or standard shall be considered to be the same as the promulgation of such standard.”.

CONFLICT OF INTEREST

SEC. 10. Part A of the Federal Energy Administration Act of 1974 (15 U.S.C. 761 et seq.), as amended by this Act, is amended by adding at the end thereof the following:

“ORGANIZATIONAL CONFLICTS

“SEC. 33. (a) The Administrator shall, by rule, require any person proposing to enter into a contract, agreement, or other arrangement, whether by competitive bid or negotiation, under this Act or any other law administered by him for the conduct of research, development, evaluation activities, or for technical and management support services, to provide the Administrator, prior to entering into any such contract, agreement, or arrangement, with all relevant information, as determined by the Administrator, bearing on whether that person has a possible conflict of interest with respect to—

Contracts.
15 USC 789.

- “(1) being able to render impartial, technically sound, or objective assistance or advice in light of other activities or relationships with other persons, or

- “(2) being given an unfair competitive advantage.

Such person shall insure, in accordance with regulations prescribed by the Administrator, compliance with this section by any subcontractor (other than a supply subcontractor) of such person in the case of any subcontract of more than \$10,000.

“(b) The Administrator shall not enter into any such contract, agreement, or arrangement unless he finds, after evaluating all information provided under subsection (a) and any other information otherwise available to him that—

- “(1) it is unlikely that a conflict of interest would exist, or
- “(2) such conflict has been avoided after appropriate conditions have been included in such contract, agreement, or arrangement;

Rules,
publication.

except that if he determines that such conflict of interest exists and that such conflict of interest cannot be avoided by including appropriate conditions therein, the Administrator may enter into such contract, agreement, or arrangement, if he determines that it is in the best interests of the United States to do so and includes appropriate conditions in such contract, agreement, or arrangement to mitigate such conflict.

“(c) The Administrator shall publish rules for the implementation of this section, in accordance with section 553 of title 5, United States Code (without regard to subsection (a) (2) thereof) as soon as practicable after the date of the enactment of this section, but in no event later than 120 days after such date.”.

Approved July 21, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-323 accompanying H.R. 6794 (Comm. on Interstate and Foreign Commerce).

SENATE REPORT No. 95-123 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 11, considered and passed Senate.

June 6, considered and passed House, amended, in lieu of H.R. 6794.

June 8, Senate concurred in House amendments with an amendment.

June 30, House concurred in Senate amendment.

Public Law 95-71
95th Congress

An Act

Granting the consent of Congress to an amendment to the Sabine River Compact entered into by the States of Texas and Louisiana.

July 23, 1977
[H.R. 1551]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is given to an amendment to the Sabine River Compact (68 Stat. 690) entered into by the States of Texas and Louisiana, which amendment strikes out the last paragraph of the preamble to such compact.

Sabine River
Compact,
amendment.
Congressional
consent.

SEC. 2. The right to amend or repeal the first section of this Act is expressly reserved.

Approved July 23, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-277 (Comm. on the Judiciary).
SENATE REPORT No. 95-319 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 123 (1977):
 May 16, considered and passed House.
 July 12, considered and passed Senate.

Public Law 95-72
95th Congress

Joint Resolution

July 25, 1977
[H.J. Res. 24]

To provide for the designation of a week as "National Lupus Week".

National Lupus
Week.
Designation
authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of September 18 through 24, 1977, as "National Lupus Week" and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such same week with appropriate ceremonies and activities.

Approved July 25, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-478 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 123 (1977):

July 11, considered and passed House.

July 13, considered and passed Senate.

Public Law 95-73
95th Congress

An Act

To amend the Fishery Conservation Zone Transition Act in order to give effect during 1977 to the Reciprocal Fisheries Agreement between the United States and Canada.

July 26, 1977
[H.R. 5638]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fishery Conservation Zone Transition Act (Public Law 95-6; 91 Stat. 14-16) is amended by adding at the end thereof the following new section:

Fishery
Conservation
Zone Transition
Act, amendment.

“SEC. 5. RECIPROCAL FISHERIES AGREEMENT BETWEEN THE UNITED STATES AND CANADA.

“(a) **CONGRESSIONAL APPROVAL.**—The Congress hereby approves the Reciprocal Fisheries Agreement between the Government of the United States and the Government of Canada (hereinafter in this section referred to as the ‘Agreement’), as contained in the message to Congress from the President of the United States dated February 28, 1977. The Agreement shall be in force and effect with respect to the United States during the period beginning March 1, 1977, and ending at the close of December 31, 1977.

16 USC 1823
note.

“(b) **APPLICATION.**—During the period when the Agreement is in force and effect with respect to the United States—

Agreement;
effective date.

“(1) vessels and nationals of Canada may fish within the fishery conservation zone, or for anadromous species and Continental Shelf fishery resources beyond such zone, but only pursuant to, and in accordance with, the provisions of the Agreement; and

“(2) title II of the Fishery Conservation and Management Act of 1976 (relating to foreign fishing and international fishery agreements) and section 307 of such Act of 1976 (relating to prohibited acts) shall not apply with respect to fishing within the fishery conservation zone, or for anadromous species and Continental Shelf fishery resources beyond such zone, by vessels and nationals of Canada which is pursuant to, and in accordance with, the provisions of the Agreement.

16 USC 1821.
16 USC 1857.

“(c) **FISHING STATISTICS.**—(1) Any person who—

“(A) owns or operates any fishing vessel which—

“(i) is a vessel of the United States, and

“(ii) engages in fishing to which the Agreement applies; or

“(B) directly or indirectly receives, or may receive, fish to which the Agreement applies in the course of a commercial activity in quantities determined by the Secretary to be sufficient to assist in the carrying out of this paragraph,

shall submit to the Secretary such statistics (including, but not limited to, catch data) regarding such fishing or such receipt of fish as are necessary to fulfill the obligations of the United States under article XIII of the Agreement. The Secretary, after consultation with the Secretary of State, shall issue such regulations as are necessary and appropriate to carry out the purposes of this paragraph. Section 303(d) of the Fishery Conservation and Management Act of 1976 (relating to the confidentiality of statistics) shall apply with respect to all statistics submitted under this paragraph.

Regulations.

16 USC 1853.

16 USC 1857.
Penalty.
16 USC 1858.
16 USC 1859.
16 USC 1860.

“(2) Any violation of paragraph (1), or of any regulation issued pursuant to paragraph (1), by any person shall be deemed to be an act prohibited by section 307 of the Fishery Conservation and Management Act of 1976. Any person who commits any such violation shall be liable to the United States for a civil penalty as provided for in section 308 of such Act of 1976. Sections 309 (relating to criminal offenses) and 310 (relating to civil forfeiture) of such Act of 1976 shall not apply with respect to any such violation.

16 USC 1802.

“(d) DEFINITIONS.—As used in this section, the terms ‘anadromous species’, ‘Continental Shelf fishery resources’, ‘fishery conservation zone’, ‘fishing’, ‘fishing vessel’, ‘Secretary’, and ‘vessel of the United States’ shall have the same respective meanings as are given to such terms in section 3 of the Fishery Conservation and Management Act of 1976.”.

Approved July 26, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-193 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 95-317 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 25, considered and passed House.

July 12, considered and passed Senate.

Public Law 95-74
95th Congress

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1978, and for other purposes.

July 26, 1977
[H.R. 7636]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1978, and for other purposes, namely:

Department of
the Interior and
related agencies.
Appropriations,
fiscal year 1978.

TITLE I—DEPARTMENT OF THE INTERIOR

LAND AND WATER RESOURCES

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, \$246,938,000.

ACQUISITION, CONSTRUCTION, AND MAINTENANCE

For acquisition of lands and interests therein, and construction and maintenance of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$18,707,000, to remain available until expended; and for liquidation of obligations incurred pursuant to authority contained in 23 U.S.C. 203, \$1,924,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (Public Law 94-565), \$100,000,000, of which not to exceed \$200,000 shall be available for administrative expenses.

31 USC 1601 *et*
seq.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; an amount equivalent to 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands, to remain available until expended: *Provided*, That the amount appropriated herein for the purposes of this appropriation on lands administered by the Forest Service shall be transferred to the Forest Service, Department of Agriculture: *Provided*

Transfer of funds.

further, That the amount appropriated herein for road construction on lands other than those administered by the Forest Service shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further*, That the amount appropriated herein is hereby made a reimbursable charge against the Oregon and California land grant fund and shall be reimbursed to the general fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

43 USC 1181f.

RANGE IMPROVEMENTS

For rehabilitation, protection, and improvement of Federal range lands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (Public Law 94-579), sums equal to fifty percent of all monies received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315, et seq.), and the amount designated for range improvements from grazing fees from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, to remain available until expended.

43 USC 1751.

43 USC 315b,
315m.

RECREATION DEVELOPMENT AND OPERATION OF RECREATION FACILITIES

For construction, operation, and maintenance of outdoor recreation facilities, including collection of special recreation use fees, to remain available until expended, \$300,000, to be derived from the special receipt accounts established by section 4(f) of the Land and Water Conservation Fund Act (16 U.S.C. 4601-6a(f)), as amended.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (Public Law 94-579), to remain available until expended.

43 USC 1734,
1735, 1764.

WORKING CAPITAL FUND

For initial capital for the working capital fund to be established pursuant to section 306 of the Federal Land Policy and Management Act of 1976 (Public Law 94-579), \$2,000,000, to remain available until expended.

43 USC 1736.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (Public Law 94-579), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances under section 211(b) of that Act.

43 USC 1737.

43 USC 1721.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, insurance on official motor vehicles, aircraft, and boats operated by the Bureau of Land Management in Canada; and alteration and maintenance of necessary buildings and appurtenant facilities to which

the United States has title; \$10,000 for payment, in the discretion of the Secretary, for information or evidence concerning violations of laws administered by the United States Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed \$10,000: *Provided*, That appropriations herein made for the Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the general fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further*, That herein appropriations made may be expended on a reimbursable basis for (1) surveys of lands other than those under the jurisdiction of the Bureau of Land Management and (2) protection of lands for the State of Alaska.

OFFICE OF WATER RESEARCH AND TECHNOLOGY

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Water Resources Research Act of 1964, as amended (42 U.S.C. 1961-1961c-7), and the provisions of the Saline Water Conversion Act of 1971, as amended (42 U.S.C. 1959-1959h), \$25,307,000, of which \$7,975,000 shall remain available until September 30, 1979.

FISH AND WILDLIFE AND PARKS

BUREAU OF OUTDOOR RECREATION

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Outdoor Recreation, not otherwise provided for, \$11,574,000, of which not to exceed \$5,000,000, to remain available for obligation until September 30, 1979, shall be for a program of conversion of certain railroad rights-of-way to recreation and conservation uses as authorized by section 809(b) of Public Law 94-210.

49 USC 1a note.

LAND AND WATER CONSERVATION FUND

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including \$8,764,000 for administrative expenses of the Bureau of Outdoor Recreation during the current fiscal year, and acquisition of land or waters, or interest therein, in accordance with the statutory authority applicable to the State or Federal agency concerned, to be derived from the Land and Water Conservation Fund, established by section 2 of said Act as amended, to remain available until expended, not to exceed \$600,000,000, of which (1) not to exceed \$306,070,000 shall be available for payments to the States in accordance with section 6(c) of said Act; (2) not to exceed \$2,100,000 shall be

16 USC 4601-5.

16 USC 4601-8.

available to the Bureau of Land Management; (3) not to exceed \$89,983,000 shall be available to the Forest Service; (4) not to exceed \$31,288,000 shall be available to the United States Fish and Wildlife Service; and (5) not to exceed \$161,795,000 shall be available to the National Park Service.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; and maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, \$169,279,000 of which not to exceed \$4,000,000 shall remain available until expended.

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; and for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757f); \$65,060,000, to remain available until expended.

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1971, as amended (16 U.S.C. 715k-3, 5), \$10,000,000, to remain available until expended.

DEVELOPMENT AND OPERATION OF RECREATION FACILITIES

For construction, operation, and maintenance of outdoor recreation facilities, including collection of special recreation use fees, to remain available until expended, \$150,000, to be derived from the special receipt account established by section 4(f) of the Land and Water Conservation Fund Act (16 U.S.C. 460l-6a(f)), as amended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 185 passenger motor vehicles, of which 144 are for replacement only (including 102 for police-type use); purchase of 4 aircraft, for replacement only; not to exceed \$100,000 for payment, in the discretion of the Secretary, for information or evidence concerning violations of laws administered by the United States Fish and Wildlife Service; miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed \$75,000; publication and distribution of bulletins as authorized by law (7 U.S.C. 417); insurance on official motor vehicles, aircraft and boats operated by the United States Fish and Wildlife Service in Mexico and Canada; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such

public recreational uses on conservation areas as are not inconsistent with their primary purpose, and the maintenance and improvement of aquaria, buildings and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis); the acquisition of water rights; expenses necessary for investigations and studies to determine suitability of areas to be included in the National Park System, the designation of wilderness areas, and the management of water resources; the preparation of plans for existing and proposed park and recreation areas; provisions of technical assistance to other Federal agencies, and to States and private institutions in the planning, development, and operation of landmarks, parks and recreation areas; and for financial or other assistance in planning, development, or operation of areas as authorized by law or pursuant to agreements with other Federal agencies, States, or private institutions, including not to exceed \$283,000 for the Roosevelt Campobello International Park Commission, \$323,105,000: *Provided*, That the facilities located at 900 Ohio Drive in the District of Columbia shall not be leased on any other basis than the fair market rental value generally pertaining for such premises in the area: *Provided further*, That the unexpended balances of the appropriations to the National Park Service for "Park, recreation and wilderness planning", "Cooperative programs", and "Statutory or contractual aid for other activities" shall be merged with this appropriation.

Fair market
rental value.

Merger of
unexpended
balances.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451) \$161,442,000, to remain available until expended.

ROAD CONSTRUCTION

For liquidation of obligations as authorized by law (23 U.S.C. 203), \$30,198,271, to remain available until expended.

PRESERVATION OF HISTORIC PROPERTIES

For expenses necessary in carrying out a program for the preservation of additional historic properties throughout the Nation, as authorized by law (16 U.S.C. 461-467, 470), and investigations, studies, and salvage of archeological values, \$5,667,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), \$45,000,000, to be derived from the Historic Preservation Fund, established by section 108 of that Act, to remain available for obligation until September 30, 1979.

PLANNING, DEVELOPMENT, AND OPERATION OF RECREATION FACILITIES

For construction, operation, and maintenance of outdoor recreation facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451); including collection of special recreation use fees, to remain available until expended, \$14,000,000 to be derived from the special receipt accounts established by section 4(f) of the Land and Water Conservation Fund Act (16 U.S.C. 4601-6a(f)), as amended.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, \$3,750,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 190 passenger motor vehicles, of which 106 shall be for replacement only, including not to exceed 95 for police-type use; purchase of 1 aircraft for replacement only; and to provide, notwithstanding any other provision of law, at a cost not exceeding \$100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service: *Provided*, That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations in the National Park System; and to provide insurance on official motor vehicles and aircraft operated by the National Park Service in Mexico and Canada.

ENERGY AND MINERALS

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332, and 1340); classify lands as to mineral character and water and power resources; give engineering supervision to power permittees and Federal Power Commission licensees; enforce departmental regulations applicable to oil, gas, and other mining leases, permits, licenses, and operating contracts; control the interstate shipment of contraband oil as required by law (15 U.S.C. 715); administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; \$361,547,000, of which \$33,525,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality.

Cooperation,
States or
municipalities.
43 USC 50.

EXPLORATION OF NATIONAL PETROLEUM RESERVE IN ALASKA

For necessary expenses in carrying out the provisions of section 104 of Public Law 94-258, \$209,541,000, to remain available until expended. 42 USC 6504.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 33 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services, contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for observation wells; expenses of the U.S. National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts.

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary to promote health and safety in mines and in the minerals industry through development, promulgation and enforcement of regulations, including mine inspections, technical support, and education and training as authorized by law, \$107,656,000: *Provided*, That no part of the funds appropriated by this Act shall be used to pay any public relations firm for any promotional campaigns among coal miners.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Mining Enforcement and Safety Administration may be expended for purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and for the purchase of not to exceed 75 passenger motor vehicles: *Provided*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Mining Enforcement and Safety Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further*, That any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of major mine disasters.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise

Employment
ceiling,
exception.

in the development of mineral resources and the prevention of waste in the mining, minerals, metal and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, \$203,040,000, of which \$120,858,000 shall remain available until expended: *Provided*, That no part of the sum herein appropriated shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That the full-time permanent employees hired by the Bureau of Mines to staff the mining research center at Carbondale, Illinois, shall not be counted against or considered to be a part of any employment ceiling assigned to the Department of the Interior.

HELIUM FUND

Contract
authority,
rescission.
75 Stat. 246.

Contract authority for "Development and Operation of Helium Properties" provided by Public Law 87-122 for the fiscal year 1978 is rescinded in the amount of \$47,500,000.

ADMINISTRATIVE PROVISION

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided*, That the Bureau of Mines is authorized during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

48 Stat. 596.

For expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment (in advance or from date of admission), of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order, and payment of rewards for information or evidence concerning violations of law on Indian reservation lands, or treaty fishing rights tribal use areas; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; and for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, \$677,181,000, of which not to exceed \$34,642,000 for assistance to public schools under the Act of April 16, 1934 shall remain available for obligation until September 30, 1979, and that the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450) shall remain available until September 30, 1979: *Provided*, That this

carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs; and includes expenses necessary to carry out the provisions of sections 8 and 19(a) of Public Law 93-531, \$5,025,000, to remain available until expended, of which not more than \$250,000 shall be available for payments pursuant to section 8(e) of said Act: *Provided further*, That the Secretary of the Interior is directed, upon the request of any tribe, to enter into a contract or contracts with any tribal organization of any such tribe for the provision of law enforcement, if such contract proposal meets the criteria established by Public Law 93-638.

25 USC 640d-7,
640d-18.

Contracts.

25 USC 450 *et*
seq.

CONSTRUCTION

For construction, major repair and improvement of irrigation and power systems, buildings, utilities, and other facilities; acquisition of lands and interests in lands; preparation of lands for farming; and architectural and engineering services by contract, \$64,153,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed \$2,062,000 shall be available for assistance to the Ramah-Navajo School Board, Incorporated, New Mexico, for the construction of an Instructional Media Center: *Provided further*, That not to exceed \$3,519,000 shall be available for assistance to the Rough Rock Community High School, Arizona, for the construction of school facilities: *Provided further*, That the Secretary shall engage the General Services Administration to supervise the planning, design, construction, and maintenance of school facilities; and that within 90 days following enactment of this bill, the Secretary of the Interior shall submit to the Congress a plan for expenditure of planning and construction funds available to the Bureau of Indian Affairs and shall advise during the year on achievement of plans and construction.

Transfer of funds,
authorization.

GSA supervision.
Expenditure
plan, submittal to
Congress.

ROAD CONSTRUCTION

For liquidation of obligations incurred pursuant to authority contained in 23 U.S.C. 203 as amended by Federal-Aid Highway Amendments of 1974, \$22,912,000, to remain available until expended; and for construction of roads and bridges pursuant to authority contained in 23 U.S.C. 203, and 25 U.S.C. 13, 318a, \$75,335,000, to remain available until expended.

23 USC 101 note.

MISCELLANEOUS APPROPRIATIONS

ALASKA NATIVE FUND

For transfer to the Alaska Native Fund, in the fourth quarter of fiscal year 1978, to provide for settlement of certain land claims by Natives and Native groups of Alaska, and for other purposes, based on aboriginal land claims, as authorized by the Act of December 18, 1971 (Public Law 92-203), \$30,000,000: *Provided*, That for purposes of meeting its obligation under section 6(a)(3) and section 9 of the Alaska Native Claims Settlement Act in connection with the requirement that \$500,000,000 be paid into the Alaska Native Fund, any and all revenues paid into such fund by the State of Alaska from sources other than those specified in section 9 of such Act shall, notwithstanding any other provision of law, be construed as payments by the State of Alaska to the fund within the meaning of sections 6(a)(3) and 9

85 Stat. 688.

43 USC 1605,
1608.

43 USC 1605,
1608.

of the Alaska Native Claims Settlement Act and credited toward the \$500,000,000 to be deposited in the Alaska Native Fund under such sections.

MISCELLANEOUS TRUST FUNDS

18 USC 4124 and
note.

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated not to exceed \$3,000,000 from tribal funds not otherwise available for expenditure for the benefit of Indians and Indian tribes, including pay and travel expenses of employees; care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and other expenses of tribal officers, councils, and committees thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; relief of Indians, without regard to section 7 of the Act of May 27, 1930 (46 Stat. 391) including cash grants: *Provided*, That in addition to the amount appropriated herein, tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans) shall be available for expenses of exhibits; purchase of not to exceed 222 passenger carrying motor vehicles of which 127 shall be for replacement only, which may be used for the transportation of Indians; advance payments for services (including services which may extend beyond the current fiscal year) under contracts executed pursuant to the Act of June 4, 1936 (25 U.S.C. 452), the Act of August 3, 1956 (25 U.S.C. 309), and legislation terminating Federal supervision over certain Indian tribes; and expenses required by continuing or permanent treaty provisions.

TERRITORIAL AFFAIRS

OFFICE OF TERRITORIAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of Territories under the jurisdiction of the Department of the Interior, including expenses of the Office of the Governor of American Samoa, compensation and mileage of members of the legislature in American Samoa, and compensation and expenses of the judiciary in American Samoa, as authorized by law (48 U.S.C. 1661(c)); grants to American Samoa, in addition to current local revenues, for support of governmental functions; grants to Guam, as authorized by law (48 U.S.C. 1428-1428e); and personal services, household equipment and furnishings, and utilities necessary in the operation of the house of the Governor of American Samoa; \$21,105,000, together with \$938,000 for expenses of the office of the Government Comptroller for the Virgin Islands to be

derived from "Internal Revenue Collections for Virgin Islands", as authorized by law (48 U.S.C. 1599(a)) and \$336,000 for expenses of the office of the Government Comptroller for Guam to be derived from duties and taxes which would otherwise be covered into the Treasury of Guam, as authorized by law (48 U.S.C. 1422d(a)), to remain available until expended: *Provided*, That the Territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of Territories may be expended for the purchase, charter, maintenance, and operation of surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary: *Provided further*, That funds available to the Government Comptroller for the Virgin Islands and Guam shall be available for purchase of not to exceed 4 passenger motor vehicles for replacement only.

48 USC 1401f,
1423l, 1665.
48 USC 1470a.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299), including the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands in addition to local revenues, for support of governmental functions; \$110,444,000, including \$900,000 for a human development project in the Marshall Islands, to become available for obligation only in such amounts as may be equal to funds provided by the Marshalls District Legislature and the District Administrator, Marshalls, in amounts not to exceed \$450,000 each and none of these funds may be used to pay the salaries and travel expenses of volunteers engaged in the project, to remain available until expended, of which \$13,515,000 is for expenses necessary for the Department of the Interior in administration of the Government of the Northern Mariana Islands, including direct grant support for governmental operations, capital improvement projects, and for an economic development loan fund in addition to current local revenues for support of governmental functions: *Provided*, That all financial transactions of the Trust Territory and the government of the Northern Mariana Islands, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory and the government of the Northern Mariana Islands, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further*, That the government of the Trust Territory of the Pacific Islands and the government of the Northern Mariana Islands, are authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of the Trust Territory of the Pacific Islands and the government of the Northern Mariana Islands may be expended for the purchase, charter, maintenance, and operation of surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary in carrying out the provisions of article 6(2) of the Trusteeship Agreement approved by Congress.

22 USC 287 note.
48 USC 1681
note.

GAO audit.
48 USC 1683.

31 USC 1.
31 USC 65 note.
48 USC 1682.

48 USC 1687.

61 Stat. 3302.

SECRETARIAL OFFICES

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$13,844,000.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, including not to exceed \$2,000 for official reception and representation expenses, \$22,488,000.

DEPARTMENTAL OPERATIONS

For necessary expenses for certain operations that provide departmentwide services, \$12,922,000.

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payment in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses of the Office of the Secretary, as authorized by law, \$1,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations, to such office for payments in the foregoing currencies (7 U.S.C. 1704).

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Facilities,
emergency
reconstruction.

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Forest or range
fires.

SEC. 102. The Secretary may authorize the expenditure or transfer of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior and for the emergency rehabilitation of burned-over lands under its jurisdiction: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof.

Service facilities.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, whenever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of

June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials, and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$300,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

Services.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

Uniforms.

SEC. 106. In addition to the aircraft specifically authorized under this Act there is hereby authorized for acquisition 3 aircraft for replacement only, 2 of which shall be from surplus. Such acquisitions shall be integral to the provision of centralized aircraft services in Alaska.

Aircraft.

SEC. 107. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

GSA contractual obligations.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For expenses necessary for forest protection and utilization, as follows:

Forest land management: For necessary expenses of the Forest Service, not otherwise provided for, including the administration, improvement, development, and management of lands, waters, or interests therein, under Forest Service administration, fighting and preventing forest fires on or threatening such lands and emergency rehabilitation and for liquidation of obligations incurred in the preceding fiscal year for such purposes, control of forest diseases and insects on Federal and non-Federal lands, implementation of forest advanced logging and conservation systems including necessary research and development related thereto, \$533,918,000, of which \$4,275,000 for fighting and preventing forest fires and for the emergency rehabilitation of burned-over lands under its jurisdiction and \$5,025,000 for insect and disease control shall be apportioned for use, pursuant to section 3679 of the Revised Statutes, as amended, to the extent necessary under the then existing conditions: *Provided*, That funds appropriated for reforestation and stand improvement, \$72,995,000, the cooperative law enforcement program, \$5,865,000, and insect and disease control, \$24,655,000, shall remain available for obligation until September 30, 1979.

31 USC 665.

Forest research : For forest research at forest and range experiment stations, the Forest Products Laboratory, or elsewhere, as authorized by law, \$101,488,000.

State and private forestry cooperation : For cooperation with States in forest-fire prevention and suppression, in forest tree planting on non-Federal public and private lands, and in forest management and processing, and for advising timberland owners, associations, wood-using industries, and others in the application of forest management principles and processing of forest products, including related research at the Pinchot Institute, as authorized by law, \$53,059,000.

CONSTRUCTION AND LAND ACQUISITION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection and utilization of national forest resources, point discharge monitoring and evaluation, and non-point discharge surveillance monitoring and evaluation, and the acquisition of lands and interests therein necessary to these objectives, \$40,630,000, to remain available until expended: *Provided*, That not more than \$3,213,000 of this appropriation may be used for acquisition of land under the Act of March 1, 1911, as amended (16 U.S.C. 513-519) : *Provided further*, That not more than \$390,000 of this appropriation may be used for planning in accordance with the Act of July 12, 1976 (16 U.S.C. 1132 note).

YOUTH CONSERVATION CORPS

42 USC prec.
2711 note. For expenses necessary to carry out the provisions of the Act of August 13, 1970, as amended by Public Law 93-408, \$60,000,000 : *Provided*, That \$30,000,000 shall be available to the Secretary of the Interior and \$30,000,000 shall be available to the Secretary of Agriculture.

FOREST ROADS

16 USC 535. For the construction of roads by timber purchasers pursuant to clause (2) of section 4 of the Act of October 13, 1964 (78 Stat. 1089), \$212,115,000.

FOREST ROADS AND TRAILS

For expenses necessary for carrying out the provisions of 16 U.S.C. 528-538 and 551, relating to the construction and maintenance of forest development roads and trails, \$175,833,000, to remain available until expended, and \$78,781,000 for liquidation of obligations incurred pursuant to authority contained in 23 U.S.C. 203, to remain available until expended: *Provided*, That funds available under the Act of March 4, 1913 (16 U.S.C. 501) shall be merged with and made a part of this appropriation.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

SPECIAL ACTS

For acquisition of land to facilitate the control of soil erosion and flood damage originating within the exterior boundaries of the following national forests, in accordance with the provisions of the following Acts, authorizing annual appropriations of forest receipts for such purposes, and in not to exceed the following amounts from such receipts, Cache National Forest, Utah, Act of May 11, 1938 (52 Stat.

347), as amended, \$20,000; Uinta and Wasatch National Forests, Utah, Act of August 26, 1935 (49 Stat. 866), as amended, \$30,000; Toiyabe National Forest, Nevada, Act of June 25, 1938 (52 Stat. 1205), as amended, \$10,000; Angeles National Forest, California, Act of June 11, 1940 (54 Stat. 299), \$20,000; San Bernardino and Cleveland National Forests, California, Act of June 15, 1938 (52 Stat. 699), as amended, \$85,000; in all, \$165,000.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands in accordance with the Act of December 4, 1967 (16 U.S.C. 484a), to remain available until expended, \$38,000, to be derived from deposits by public school authorities under said Act.

RANGELAND IMPROVEMENTS

For range revegetation, rehabilitation, construction, maintenance, and protection of improvements, control of rodents, and eradication of poisonous and noxious plants on national forest lands in accordance with section 12 of the Act of April 24, 1950 (16 U.S.C. 580h), \$700,000, and in accordance with section 401(b)(1) of the Act of October 21, 1976, Public Law 94-579, \$4,500,000, to be derived from grazing fees as authorized by said sections, to remain available until expended. 43 USC 1751.

ASSISTANCE TO STATES FOR TREE IMPROVEMENT

For expenses necessary to carry out section 401 of the Agricultural Act of 1956, approved May 28, 1956 (16 U.S.C. 568e), \$1,387,000, to remain available until expended.

CONSTRUCTION AND OPERATION OF RECREATION FACILITIES

For construction, operation, and maintenance of outdoor recreation facilities, including collection of special recreation use fees, to remain available until expended, \$4,084,000, to be derived from the special receipt accounts established by section 4(f) of the Land and Water Conservation Fund Act (16 U.S.C. 4601-6a(f)), as amended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 267 passenger motor vehicles of which 206 shall be for replacement only, acquisition of 60 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed 4 for replacement only, and acquisition of 80 aircraft from excess sources; (b) employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (c) uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) acquisition of land and interests therein for sites for administrative purposes and not to exceed \$75,000 for research purposes, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (f) expenses incident to acquisition by donation or exchange of land, waters, or interests in land or waters, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a): *Provided*, That such appropriation

shall not be available for expenses incident to donations and exchanges which can be made pursuant to authorities other than the Act of August 3, 1956 (7 U.S.C. 428a); and (g) not to exceed \$100,000 for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note).

Funds appropriated under this title shall not be used for acquisition of forest lands under the provisions of the Act approved March 1, 1911, as amended (16 U.S.C. 513-519, 521), where such land is not within the boundaries of an established national forest or purchase unit.

Limitation.

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, and National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the U.S. Senate and the Committee on Agriculture in the U.S. House of Representatives.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

OPERATING EXPENSES, FOSSIL FUELS

42 USC 5801
note.

50 USC 98 note.

Limitation.

For necessary operating expenses of the Administration in carrying out the purposes of the Energy Reorganization Act of 1974; hire, maintenance, and operation of aircraft; publication and dissemination of atomic and other energy information; purchase, repair, and cleaning of uniforms; reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles; \$748,127,000 and any moneys (except sums received from the Strategic and Critical Materials Stockpiling Act, as amended, and fees received for tests or investigations under the Act of May 16, 1910, as amended (50 U.S.C. 98h; 30 U.S.C. 7)) received by the Energy Research and Development Administration notwithstanding the provisions of 31 U.S.C. 484, to remain available until expended: *Provided*, That the amount appropriated in any other appropriation act for "Operating expenses" for the Energy Research and Development Administration for the fiscal year ending September 30, 1978, shall be merged with this appropriation: *Provided further*, That no funds in this appropriation or in any appropriation with which it may be merged shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That none of the funds in this appropriation or any appropriation with which it may be merged shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in future appropriation acts.

PLANT AND CAPITAL EQUIPMENT, FOSSIL FUELS

For expenses of the Administration, as authorized by law, in connection with the purchase and construction of plant and the acquisition of capital equipment and other expenses incidental thereto necessary in carrying out the purposes of the Energy Reorganization Act of 1974, including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; \$90,970,000, to remain available until expended: *Provided*, That the amount appropriated in any other appropriation act for

“Plant and capital equipment” for the Energy Research and Development Administration for the fiscal year ending September 30, 1978, shall be merged with this appropriation.

GENERAL PROVISION, ENERGY RESEARCH AND DEVELOPMENT
ADMINISTRATION

Not to exceed 5 per centum of appropriations made available for the current fiscal year for “Operating expenses” and “Plant and capital equipment” may be transferred between such appropriations, but neither such appropriation, except as otherwise provided herein, shall be increased by more than 5 per centum by any such transfers, and any such transfers shall be reported promptly to the Appropriations Committees of the House and Senate.

FEDERAL ENERGY ADMINISTRATION

SALARIES AND EXPENSES

For expenses of the Federal Energy Administration, as authorized by law, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for grade GS-18; \$289,123,000: *Provided*, That in the event of the expiration of such Administration, the funds provided herein shall be available for obligation by any other entity or entities established to carry out substantially the same functions as such Administration: *Provided further*, That loan guarantees authorized by Public Law 94-163 and obligation guarantees authorized by Public Law 94-385 shall not be made unless so authorized by limitations of outstanding obligational authority provided in future appropriation Acts.

42 USC 6201
note.
42 USC 6801
note.

STRATEGIC PETROLEUM RESERVE

For expenses necessary to carry out sections 151 through 166 of the Energy Policy and Conservation Act of 1975, \$2,798,933,000, to remain available until December 31, 1978.

42 USC
6231-6246.

DEPARTMENT OF DEFENSE

NAVAL PETROLEUM RESERVES

EXPLORATION, DEVELOPMENT, AND OPERATION OF PETROLEUM RESERVES

For expenses necessary to carry out the provisions of section 201 of Public Law 94-258, \$155,739,000, to remain available until expended.

90 Stat. 307.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), Public Law 93-638, Public Law 94-437, and titles III and V of the Public Health Service Act, including hire of passenger motor vehicles and aircraft; purchase of reprints; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, \$428,891,000.

42 USC 2001.
25 USC 450 note.
25 USC 1601
note.
42 USC 241.
42 USC 219.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites; purchase and erection of portable buildings; purchase of trailers; and provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), Public Law 93-638, and Public Law 94-437, \$71,257,000, to remain available until expended.

25 USC 450 note.
25 USC 1601
note.

ADMINISTRATIVE PROVISION, HEALTH SERVICES ADMINISTRATION

Appropriations in this Act to the Health Services Administration, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS-18, for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

OFFICE OF EDUCATION

INDIAN EDUCATION

For carrying out, to the extent not otherwise provided, part A (\$38,850,000), part B (\$14,400,000), and part C (\$4,410,000) of the Indian Education Act, and the General Education Provisions Act, \$59,660,000.

20 USC 241aa
note.
20 USC 1221.

OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION

INSTITUTE OF MUSEUM SERVICES

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, \$4,000,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

20 USC 951 note.

INDIAN CLAIMS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the purposes of the Act of August 13, 1946 (25 U.S.C. 70), as amended (86 Stat. 115), creating an Indian Claims Commission, \$1,500,000, of which not to exceed \$14,000 shall be available for expenses of travel.

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Navajo and Hopi Indian Relocation Commission as authorized by Public Law 93-531, \$2,050,000, of which \$450,000 shall be available until expended for payments pursuant to section 14(b) of that Act, \$1,100,000 shall be available until expended for payments pursuant to section 15, and \$500,000 shall be available for operating expenses of the Commission.

20 USC 640d.

20 USC 640d-13.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to 3 passenger replacement vehicles; purchase, rental, repair, and cleaning of uniforms for employees; \$88,238,000: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That not to exceed \$110,000 may be used to make grant awards to employees of the Smithsonian Institution: *Provided further*, That none of these funds shall be available to the Smithsonian Research Foundation.

MUSEUM PROGRAMS AND RELATED RESEARCH (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses for carrying out museum programs, scientific and cultural research, and related educational activities, as authorized by law, \$4,000,000, to remain available until expended and to be available only to United States institutions: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Smithsonian Institution, for payments in the foregoing currencies: *Provided further*, That not to exceed \$1,000,000 shall be available to the Smithsonian Institution for the salvage of archeological sites on the Island of Philae: *Provided further*, That not to exceed \$500,000 may be used to make grant awards to employees of the Smithsonian Institution: *Provided further*, That none of these funds shall be available to the Smithsonian Research Foundation.

SCIENCE INFORMATION EXCHANGE

For necessary expenses of the Science Information Exchange, \$1,777,000.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, \$2,500,000, to remain available until expended.

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109. \$2,425,000, to remain available until expended.

20 USC 53a.

CONSTRUCTION

For necessary expenses to plan museum support facilities, including not to exceed \$50,000 for services as authorized by 5 U.S.C. 3109, \$325,000, to remain available until expended.

SALARIES AND EXPENSES, NATIONAL GALLERY OF ART

20 USC 71.

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards and elevator operators, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and not to exceed \$70,000 for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$14,509,000.

SALARIES AND EXPENSES, WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

20 USC 80e note.

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356), including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$1,256,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

SALARIES AND EXPENSES

20 USC 951 note.

20 USC 954.

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$98,000,000, of which \$89,100,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, of which not less than 20 per centum of the funds provided for section 5(c) shall be available for assistance pursuant to section 5(g) of the Act, and \$8,900,000 shall be available for administering the functions of the Act: *Provided*, That the unexpended balances of the appropriations to the National Foundation on the Arts and the Humanities for the purposes of section 5(c) and for administering provisions of the Act shall be merged with this appropriation.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$25,500,000, to remain available until September 30, 1979, to the National Endowment for the Arts of which \$18,000,000 shall be available for purposes of section 5(1): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman under the provisions of section 10(a)(2) during the current and preceding fiscal years and the transition period, for which equal amounts have not previously been appropriated: *Provided further*, That the National Endowment for the Arts portion of the unexpended balances of the appropriations to the National Foundation on the Arts and the Humanities for "Matching Grants" shall be merged with this appropriation.

20 USC 959.

20 USC 954.

NATIONAL ENDOWMENT FOR THE HUMANITIES

SALARIES AND EXPENSES

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$96,000,000, of which \$87,800,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities pursuant to section 7(c) of the Act, of which not less than 20 per centum shall be available for assistance pursuant to section 7(f) of the Act, and \$8,200,000 shall be available for administering the functions of the Act: *Provided*, That the unexpended balances of the appropriations to the National Foundation on the Arts and the Humanities for the purposes of section 7(c) shall be merged with this appropriation.

20 USC 951 note.

20 USC 956.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$25,000,000, to remain available until September 30, 1979, of which \$17,500,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman under the provisions of section 10(a)(2) during the current and preceding fiscal years and the transition period, for which equal amounts have not previously been appropriated: *Provided further*, That the National Endowment for the Humanities portion of the unexpended balances of the appropriations to the National Foundation on the Arts and the Humanities for "Matching Grants" shall be merged with this appropriation.

20 USC 959.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$233,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

16 USC 470. For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 94-422, \$1,080,000: *Provided*, That none of these funds shall be available for the compensation of Executive level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109: and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), \$1,819,000.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), \$25,000, to remain available for obligation until September 30, 1979.

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR
ALASKA

SALARIES AND EXPENSES

43 USC 1601
note. For necessary expenses of the Joint Federal-State Land Use Planning Commission for Alaska, established by the Act of December 18, 1971 (Public Law 92-203), as amended, \$712,000: *Provided*, That this appropriation shall not be available to pay more than one-half of the expenses of the Commission.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

40 USC 885. For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, \$1,294,000 for operating and administrative expenses of the Corporation.

LAND ACQUISITION AND DEVELOPMENT

(BORROWING AUTHORITY)

40 USC 875. The Pennsylvania Avenue Development Corporation is authorized to borrow from the Treasury of the United States \$7,500,000, pursuant to the terms and conditions specified in paragraph 10, section 6, of Public Law 92-578.

PUBLIC DEVELOPMENT

40 USC 885. For public development activities and projects in accordance with the development plan as authorized by Public Law 94-388, \$12,354,000, to remain available for obligation until September 30, 1990.

FUNDS APPROPRIATED TO THE PRESIDENT

PETROLEUM RESERVES

There is hereby transferred, during fiscal year 1978, from the Naval Petroleum Reserves Special Account, such sums as may be available but not to exceed \$561,200,000, into the General Fund of the Treasury.

Transfer of funds.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided*, That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

Unprocessed timber, sale restrictions.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease or right to access to minerals owned by private individuals.

Oil and natural gas leasing, limitation.

SEC. 303. No part of any appropriation under this Act shall be made available to the Secretary of the Interior for the leasing of oil and natural gas on publicly owned lands within the boundaries of the Flathead National Forest, Montana.

SEC. 304. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete, in accordance with the Act of June 25, 1948 (18 U.S.C. 1913).

SEC. 305. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Fiscal year limitation.

Approved July 26, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-392 (Comm. on Appropriations) and No. 95-461 (Comm. of Conference).

SENATE REPORT No. 95-276 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 9, considered and passed House.

June 17, considered and passed Senate, amended.

July 12, House agreed to conference report; receded and concurred in certain Senate amendments with amendments.

July 13, Senate agreed to conference report; concurred in certain House amendments.

Public Law 95-75
95th Congress

An Act

July 27, 1977
[H.R. 186]

To implement the Convention on the International Regulations for Preventing Collisions at Sea, 1972.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “International Navigational Rules Act of 1977”.

SEC. 2. For the purposes of this Act—

(1) “vessel” means every description of watercraft, including nondisplacement craft and seaplanes, used or capable of being used as a means of transportation on water; and

(2) “high seas” means all parts of the sea that are not included in the territorial sea or in the internal waters of any nation.

SEC. 3. (a) The President is authorized to proclaim the International Regulations for Preventing Collisions at Sea, 1972 (hereinafter referred to as the “International Regulations”). The effective date of the International Regulations for the United States shall be specified in the proclamation and shall be the date as near as possible to, but no earlier than, the date on which the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (hereinafter referred to as the “Convention”), signed at London, England, under date of October 20, 1972, enters into force for the United States. The International Regulations proclaimed shall consist of the rules and other annexes attached to the Convention.

(b) The proclamation shall include the International Regulations and shall be published in the Federal Register. On the date specified in the proclamation, the International Regulations shall enter into force for the United States and shall have effect as if enacted by statute.

(c) Subject to the provisions of subsection (d) hereof, the President is also authorized to proclaim any amendment to the International Regulations hereafter adopted in accordance with the provisions of article VI of the Convention, and to which the United States does not object. The effective date of the amendment shall be specified in the proclamation and shall be in accordance with the provisions of the said article VI. The proclamation shall include the adopted amendment and shall be published in the Federal Register. On the date specified in the proclamation, the amendment shall enter into force for the United States as a constituent part of the International Regulations, as amended, and shall have effect as if enacted by statute.

(d) (1) Upon receiving a proposed amendment to the International Regulations, communicated to the United States pursuant to clause 3 of article VI of the Convention, the President shall promptly notify the Congress of the proposed amendment. If, within sixty days after receipt of such notification by the Congress, or ten days prior to the date under clause 4 of article VI for registering an objection, whichever comes first, the Congress adopts a resolution of disapproval, such resolution shall be transmitted to the President and shall constitute an objection by the United States to the proposed amendment. If, upon receiving notification of the resolution of disapproval, the President has not already notified the Inter-Governmental Maritime Consulta-

International
Navigational
Rules Act
of 1977.
33 USC 1601
note.

Definitions.
33 USC 1601.

Proclamation
authorization.
33 USC 1602.
Effective date.

Contents.

Publication in
Federal Register.

Amendments.

Effective date.

Publication in
Federal Register.

Presidential
notification to
Congress.
Transmittal to
President.

tive Organization of an objection to the United States to the proposed amendment, he shall promptly do so.

(2) For the purposes of this subsection, "resolution of disapproval" means a concurrent resolution initiated by either House of the Congress, the matter after the resolving clause of which is to read as follows: "That the (the concurring) does not favor the proposed amendment to the International Regulations for Preventing Collisions at Sea, 1972, relating to , and forwarded to the Congress by the President on .", the first blank space therein to be filled with the name of the resolving House, the second blank space therein to be filled with the name of the concurring House, the third blank space therein to be filled with the subject matter of the proposed amendment, and the fourth blank space therein to be filled with the day, month, and year.

"Resolution of disapproval."

(3) Any proposed amendment transmitted to the Congress by the President and any resolution of disapproval pertaining thereto shall be referred, in the House of Representatives, to the Committee on Merchant Marine and Fisheries, and shall be referred, in the Senate, to the Committee on Commerce, Science, and Transportation.

Referral to congressional committees.

SEC. 4. Except as provided in section 5 and subject to the provisions of section 6, the International Regulations, as proclaimed under section 3, shall be applicable to, and shall be complied with by—

33 USC 1603.

(1) all vessels, public and private, subject to the jurisdiction of the United States, while upon the high seas or in waters connected therewith navigable by seagoing vessels, and

(2) all other vessels when on waters subject to the jurisdiction of the United States.

SEC. 5. (a) The International Regulations shall not be applicable to vessels while—

33 USC 1604.

(1) in the harbors, rivers, and other inland waters of the United States, as defined in section 1 of the Act of June 7, 1897 (30 Stat. 96), as amended (33 U.S.C. 154),

(2) in the Great Lakes of North America and their connecting and tributary waters, as defined in section 1 of the Act of February 8, 1895 (28 Stat. 645), as amended (33 U.S.C. 241), nor while

(3) in the Red River of the North and rivers emptying into the Gulf of Mexico and their tributaries, as defined in section 4233 of the Revised Statutes of the United States, as amended (33 U.S.C. 301).

(b) Whenever a vessel subject to the jurisdiction of the United States is in the territorial waters of a foreign state the International Regulations shall be applicable to, and shall be complied with by, that vessel to the extent that the laws and regulations of the foreign state are not in conflict therewith.

SEC. 6. (a) Any requirement of the International Regulations with respect to the number, position, range, or arc of visibility of lights, with respect to shapes, or with respect to the disposition and characteristics of sound-signaling appliances, shall not be applicable to a vessel of special construction or purpose, whenever the Secretary of the Navy, for any vessel of the Navy, or the Secretary of the department in which the Coast Guard is operating, for any other vessel of the

Certain Navy and Coast Guard vessels, exemption.
33 USC 1605.

United States, shall certify that the vessel cannot comply fully with that requirement without interfering with the special function of the vessel.

(b) Whenever a certification is issued under the authority of subsection (a) hereof, the vessel involved shall comply with the requirement as to which the certification is made to the extent that the Secretary issuing the certification shall certify as the closest possible compliance by that vessel.

Publication in
Federal Register.
Rules.
33 USC 1606.

(c) Notice of the certifications issued pursuant to subsections (a) and (b) hereof shall be published in the Federal Register.

SEC. 7. (a) The Secretary of the Navy is authorized to promulgate special rules with respect to additional station or signal lights or whistle signals for ships of war or vessels proceeding under convoy, and the Secretary of the department in which the Coast Guard is operating is authorized to promulgate special rules with respect to additional station or signal lights for fishing vessels engaged in fishing as a fleet.

Publication in
Federal Register.

(b) The additional station or signal lights or whistle signals contained in the special rules authorized under subsection (a) hereof shall be, as far as possible, such that they cannot be mistaken for any light or signal authorized by the International Regulations. Notice of such special rules shall be published in the Federal Register and, after the effective date specified in such notice, they shall have effect as if they were a part of the International Regulations.

Rules and
regulations.
33 USC 1607.

SEC. 8. The Secretary of the department in which the Coast Guard is operating is authorized to promulgate such reasonable rules and regulations as are necessary to implement the provisions of this Act and the International Regulations proclaimed hereunder.

Penalties.
33 USC 1608.

SEC. 9. (a) Whoever operates a vessel, subject to the provisions of this Act, in violation of this Act or of any regulation promulgated pursuant to section 8, shall be liable to a civil penalty of not more than \$500 for each such violation.

(b) Every vessel subject to the provisions of this Act, other than a public vessel being used for noncommercial purposes, which is operated in violation of this Act or of any regulation promulgated pursuant to section 8, shall be liable to a civil penalty of \$500 for each such violation, for which penalty the vessel may be seized and proceeded against in the district court of the United States of any district within which such vessel may be found.

Notice and
hearing.

(c) The Secretary of the department in which the Coast Guard is operating may assess any civil penalty authorized by this section. No such penalty may be assessed until the person charged, or the owner of the vessel charged, as appropriate, shall have been given notice of the violation involved and an opportunity for a hearing. For good cause shown, the Secretary may remit, mitigate, or compromise any penalty assessed. Upon the failure of the person charged, or the owner of the vessel charged, to pay an assessed penalty, as it may have been mitigated or compromised, the Secretary may request the Attorney General to commence an action in the appropriate district court of the United States for collection of the penalty as assessed, without regard to the amount involved, together with such other relief as may be appropriate.

SEC. 10. Public Law 88-131 (77 Stat. 194) is repealed, effective on the date on which the International Regulations enter into force for the United States. The reference in any other law to Public Law 88-131, or to the regulations set forth in section 4 of that Act, shall be considered a reference, respectively, to this Act, or to the International Regulations proclaimed hereunder.

33 USC 1601
note.
Repeal;
effective date.
33 USC 1051
et seq.

Approved July 27, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-447 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 123 (1977):

July 12, considered and passed House.

July 13, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 31:

July 28, Presidential statement.

Public Law 95-76
95th Congress

An Act

July 30, 1977

[H.R. 4088]

To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

National
Aeronautics and
Space
Administration
Authorization
Act, 1978.
Research and
development.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1977:

(a) For "Research and development," for the following programs:

- (1) Space Shuttle, \$1,354,200,000;
- (2) Space flight operations, \$267,800,000;
- (3) Expendable launch vehicles, \$134,500,000;
- (4) Physics and astronomy, \$228,200,000;
- (5) Lunar and planetary exploration, \$153,200,000;
- (6) Life sciences, \$33,300,000;
- (7) Space applications, \$239,800,000;
- (8) Aeronautical research and technology, \$234,000,000;
- (9) Space research and technology, \$99,700,000;
- (10) Energy technology applications, \$7,500,000;
- (11) Tracking and data acquisition, \$280,200,000;
- (12) Technology utilization, \$9,100,000.

Facilities,
construction.

(b) For "Construction of facilities," including land acquisition, as follows:

- (1) Construction of central hydraulic system, Hugh L. Dryden Flight Research Center, \$420,000;
- (2) Construction of additional technical processing facilities, Goddard Space Flight Center, \$3,100,000;
- (3) Modifications to various buildings for seismic protection, Jet Propulsion Laboratory, \$2,830,000;
- (4) Modification of chillers in central heating and cooling plant, Lyndon B. Johnson Space Center, \$2,540,000;
- (5) Modifications for utility control system, John F. Kennedy Space Center, \$2,130,000;
- (6) Rehabilitation of main heating plant, Langley Research Center, \$790,000;
- (7) Rehabilitation of unitary plan wind tunnel, Langley Research Center, \$980,000;
- (8) Modification of central chilled water system, Lewis Research Center, \$860,000;
- (9) Modifications for utility control system, National Space Technology Laboratories, \$620,000;
- (10) Large aeronautical facility: construction of national transonic facility, Langley Research Center, \$23,500,000;
- (11) Large aeronautical facility: modification of 40- by 80-foot subsonic wind tunnel, Ames Research Center, \$13,500,000;
- (12) Various locations: rehabilitation and modification of 64-meter antenna components, \$1,750,000;
- (13) Space Shuttle facilities at various locations as follows:
 - (A) Modifications to launch complex 39, John F. Kennedy Space Center, \$40,700,000;

(B) Modifications for solid rocket booster processing facilities, John F. Kennedy Space Center, \$1,730,000;

(C) Rehabilitation of barge channels, John F. Kennedy Space Center, \$2,090,000;

(D) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, \$18,610,000;

(E) Rehabilitation and modification of Shuttle facilities, at various locations, \$1,750,000;

(14) Space Shuttle payload facility: modifications and addition for Shuttle payload vertical processing, John F. Kennedy Space Center, \$6,410,000;

(15) Rehabilitation and modification of facilities at various locations, not in excess of \$500,000 per project, \$18,900,000;

(16) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$250,000 per project, \$5,950,000;

(17) Facility planning and design not otherwise provided for, \$11,780,000.

(c) For "Research and program management," \$846,989,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Research and
program
management.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

Program
specifications.

Notice to Speaker
of the House,
President of the
Senate and
congressional
committees.

(e) When so specified and to the extent provided in an appropriation Act (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of 12 months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed \$35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his

Scientific
consultations or
extraordinary
expenses.

determination shall be final and conclusive upon the accounting officers of the Government.

Limitations.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of \$25,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of \$50,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided*, That of the funds appropriated pursuant to subsection 1(a), not in excess of \$250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

Ames Research Center.

(h) The authorization for appropriation to the National Aeronautics and Space Administration of \$6,500,000, which amount represents that part of the authorization provided for in section 1(b)(4) of the National Aeronautics and Space Administration Authorization Act, 1976, for which appropriations have not been made, shall expire on the date of the enactment of this Act.

89 Stat. 218.

John F. Kennedy Space Center.

(i) The authorization for appropriation to the National Aeronautics and Space Administration of \$6,000,000, which amount represents that part of the authorization provided for in section 1(b)(14)(B) of the National Aeronautics and Space Administration Authorization Act, 1977, for which appropriations have not been made, shall expire on the date of the enactment of this Act.

90 Stat. 677.

Use of funds, restriction.

(j) No part of any funds available to the Administrator may be used for the design or procurement of a prototype supersonic transport aircraft.

Cost variations.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (16), inclusive, of subsection 1(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 percent, or

Report to congressional committees.

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent.

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Unforeseen program changes, transfer of funds, authorization.

SEC. 3. Not to exceed one-half of 1 percent of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with \$10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (17) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or

Report to Speaker of the House, President of the Senate and congressional committees.

modify laboratories and other installations unless (A) a period of 30 days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. The National Aeronautics and Space Administration is authorized, when so provided in an appropriation Act, to enter into and to maintain a contract for tracking and data relay satellite services. Such services shall be furnished to the National Aeronautics and Space Administration in accordance with applicable authorization and appropriations Acts. The Government shall incur no costs under such contract prior to the furnishing of such services except that the contract may provide for the payment for contingent liability of the Government which may accrue in the event the Government should decide for its convenience to terminate the contract before the end of the period of the contract. Facilities which may be required in the performance of the contract may be constructed on Government-owned lands if there is included in the contract a provision under which the Government may acquire title to the facilities, under terms and conditions agreed upon in the contract, upon termination of the contract.

The Administrator shall in January of each year report to the Com-

Use of funds,
restrictions.

Notice to Speaker
of the House,
President of the
Senate and
congressional
committees.

Research funds,
geographical
distribution.
42 USC 2459
note.

Satellite services,
contract
authorization.
42 USC 2463.

Report to
congressional
committees.

mittee on Science and Technology and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate the projected aggregate contingent liability of the Government under termination provisions of any contract authorized in this section through the next fiscal year. The authority of the National Aeronautics and Space Administration to enter into and to maintain the contract authorized hereunder shall remain in effect unless repealed by legislation hereafter enacted by the Congress.

Space shuttle.

90 Stat. 677.

Short title.

SEC. 7. Paragraph (1) of subsection 1(a) of the National Aeronautics and Space Administration Authorization Act, 1977 (Public Law 94-307), is amended by striking out "\$1,288,100,000" and inserting in lieu thereof "\$1,383,100,000".

SEC. 8. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1978".

Approved July 30, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-67 (Comm. on Science and Technology) and No. 95-448 (Comm. of Conference).

SENATE REPORTS: No. 95-120 (Comm. on Commerce, Science, and Transportation) and No. 95-281 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 17, considered and passed House.

May 13, considered and passed Senate, amended.

June 21, Senate agreed to conference report.

July 19, House agreed to conference report.

Public Law 95-77
95th Congress

An Act

To extend certain oil and gas leases by a period sufficient to allow the drilling of an ultradeep well.

July 30, 1977
[H.R. 2502]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to extend any lease issued pursuant to section 17 of the Act of February 20, 1920, as amended (30 U.S.C. 226), and which was committed to the cooperative or unit plan known as the Unit Agreement for the Development of the Pacific Creek Unit II Area covering certain leases owned by Rainbow Resources Group as of January 26, 1977, in the State of Wyoming, and which would otherwise terminate prior to July 23, 1981, until July 23, 1981, and so long thereafter as oil and gas is produced in paying quantities: *Provided, however,* That (a) the provisions of this Act shall not apply to any lease which has been assigned in whole or in part between the twenty-sixth day of January 1977, and the effective date of this Act; (b) any such lease which is assigned in whole or in part prior to the twenty-third day of July 1981 shall automatically terminate by operation of law and no longer be of any force or effect unless any such lease is assigned to one or more members of the Rainbow Resources Group or, alternatively, to the heirs or devisees in the case of the death of an individual owner; (c) all provisions restricting the assignment of leases as contained in paragraphs (a) and (b) shall cease as of July 23, 1981; (d) except as specifically modified herein as to such leases, all other provisions of the Act of February 20, 1920, as amended (41 Stat. 443, 30 U.S.C. 181, et seq.), shall be applicable as to such leases.

Pacific Creek
Unit II Area,
Wyo.
Oil and gas leases
extension.

Restriction.

SEC. 2. Notwithstanding any provision of any such lease, or provision of law or regulation to the contrary, from and after the twenty-third day of July 1977, the annual rental provided for in the leases described in section 1 of this Act shall be the sum of \$5 per acre for the period July 23, 1977, through July 22, 1978, and \$2 per annum thereafter.

Annual rental.

SEC. 3. The Secretary of the Interior is authorized and directed to specify terms and conditions for the diligent and prudent exploration and development of such leases, or the unit to which such leases have been committed, including requirements for the commencement of drilling operations, which such conditions shall be deemed a part of the lease agreement for each such lease.

Terms and
conditions.

SEC. 4. If the Secretary of the Interior makes a determination that any of the terms and conditions imposed by him under the authority of section 3 of this Act for the prudent and diligent development of any such lease, or of a unit to which any such lease has been committed, have been violated, he shall give written notice of such violation to such lessee, or to the unit operator designated by such lessee, setting forth the nature of such violation and affording the lessee or designated unit operator a reasonable time in which to correct such violation. If such violation has not been corrected within the time stated in such notice, such lease shall immediately terminate and be of no further force or effect.

Violation, notice.

Termination.

Sec. 5. Notwithstanding any provision of law to the contrary, if any lands covered by a lease described in section 1 of this Act have been, or hereafter are, committed to an approved cooperative or unit plan of development and any part, or all of such lands, are thereafter segregated or eliminated from such approved or prescribed plan, such lease shall terminate as to those lands so segregated or eliminated from such approved or prescribed plan.

Extensions,
notice.

Sec. 6. No lease subject to this Act shall be deemed to have been extended unless within thirty days after receiving written notice from the Secretary of the Interior of the terms and conditions to be imposed by him on such lease or leases pursuant to section 3 of this Act the record owner of such lease has agreed in writing to such conditions.

Reinstatement.

Sec. 7. If any lease described in section 1 of this Act has terminated by virtue of the provisions of the Act of February 25, 1920, as amended (41 Stat. 443; 30 U.S.C. 181, et seq.), prior to the date of the approval of this Act, the Secretary of the Interior is authorized and directed to reinstate such lease: *Provided, however*, That all of the provisions of this Act shall be fully applicable to such reinstated lease.

Approved July 30, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-374 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 95-330 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 123 (1977):

June 6, considered and passed House.

July 14, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 32:
Aug. 1, Presidential statement.

Public Law 95-78
95th Congress

An Act

To approve with modifications certain proposed amendments to the Federal Rules of Criminal Procedure, to disapprove other such proposed amendments, and for other related purposes.

July 30, 1977
[H.R. 5864]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That notwithstanding the first section of the Act entitled "An Act to delay the effective date of certain proposed amendments to the Federal Rules of Criminal Procedure and certain other rules promulgated by the United States Supreme Court" (Public Law 94-349, approved July 8, 1976) the amendments to rules 6(e), 23, 24, 40.1, and 41(c)(2) of the Rules of Criminal Procedure for the United States district courts which are embraced by the order entered by the United States Supreme Court on April 26, 1976, shall take effect only as provided in this Act.

SEC. 2. (a) The amendment proposed by the Supreme Court to subdivision (e) of rule 6 of such Rules of Criminal Procedure is approved in a modified form as follows: Such subdivision (e) is amended to read as follows:

"(e) **SECRECY OF PROCEEDINGS AND DISCLOSURE.**—

"(1) **GENERAL RULE.**—A grand juror, an interpreter, a stenographer, an operator of a recording device, a typist who transcribes recorded testimony, an attorney for the Government, or any person to whom disclosure is made under paragraph (2)(A)(ii) of this subdivision shall not disclose matters occurring before the grand jury, except as otherwise provided for in these rules. No obligation of secrecy may be imposed on any person except in accordance with this rule. A knowing violation of rule 6 may be punished as a contempt of court.

"(2) **EXCEPTIONS.**—

"(A) Disclosure otherwise prohibited by this rule of matters occurring before the grand jury, other than its deliberations and the vote of any grand juror, may be made to—

"(i) an attorney for the government for use in the performance of such attorney's duty; and

"(ii) such government personnel as are deemed necessary by an attorney for the government to assist an attorney for the government in the performance of such attorney's duty to enforce Federal criminal law.

"(B) Any person to whom matters are disclosed under subparagraph (A)(ii) of this paragraph shall not utilize that grand jury material for any purpose other than assisting the attorney for the government in the performance of such attorney's duty to enforce Federal criminal law. An attorney for the government shall promptly provide the district court, before which was impaneled the grand jury whose material has been so disclosed, with the names of the persons to whom such disclosure has been made.

"(C) Disclosure otherwise prohibited by this rule of matters occurring before the grand jury may also be made—

Federal Rules of Criminal Procedure, proposed amendments. 18 USC 3771 note. 28 USC 2071 note. 18 USC app. 18 USC app.

“(i) when so directed by a court preliminarily to or in connection with a judicial proceeding; or

“(ii) when permitted by a court at the request of the defendant, upon a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury.

“(3) SEALED INDICTMENTS.—The Federal magistrate to whom an indictment is returned may direct that the indictment be kept secret until the defendant is in custody or has been released pending trial. Thereupon the clerk shall seal the indictment and no person shall disclose the return of the indictment except when necessary for the issuance and execution of a warrant or summons.”.

18 USC app.

(b) The amendments proposed by the Supreme Court to subdivisions (b) and (c) of rule 23 of such Rules of Criminal Procedure are approved.

(c) The amendment proposed by the Supreme Court to rule 24 of such Rules of Criminal Procedure is disapproved and shall not take effect.

(d) The amendment proposed by the Supreme Court to such Rules of Criminal Procedure, adding a new rule designated as rule 40.1, is disapproved and shall not take effect.

(e) The amendment proposed by the Supreme Court to subdivision (c) of rule 41 of such Rules of Criminal Procedure is approved in a modified form as follows: Such subdivision (c) of the Federal Rules of Criminal Procedure is amended—

(1) by striking out

“(c) ISSUANCE AND CONTENTS.—A warrant shall” and inserting in lieu thereof the following:

“(c) ISSUANCE AND CONTENTS.—

“(1) WARRANT UPON AFFIDAVIT.—A warrant other than a warrant upon oral testimony under paragraph (2) of this subdivision shall”; and

(2) by adding at the end the following:

“(2) WARRANT UPON ORAL TESTIMONY.—

“(A) GENERAL RULE.—If the circumstances make it reasonable to dispense with a written affidavit, a Federal magistrate may issue a warrant based upon sworn oral testimony communicated by telephone or other appropriate means.

“(B) APPLICATION.—The person who is requesting the warrant shall prepare a document to be known as a duplicate original warrant and shall read such duplicate original warrant, verbatim, to the Federal magistrate. The Federal magistrate shall enter, verbatim, what is so read to such magistrate on a document to be known as the original warrant. The Federal magistrate may direct that the warrant be modified.

“(C) ISSUANCE.—If the Federal magistrate is satisfied that the circumstances are such as to make it reasonable to dispense with a written affidavit and that grounds for the application exist or that there is probable cause to believe that they exist, the Federal magistrate shall order the issuance of a warrant by directing the person requesting the warrant to sign the Federal magistrate’s name on the duplicate original warrant. The Federal magistrate shall immediately sign the original warrant and enter on the face of the original warrant the exact time when the warrant was ordered to be issued. The

finding of probable cause for a warrant upon oral testimony may be based on the same kind of evidence as is sufficient for a warrant upon affidavit.

“(D) RECORDING AND CERTIFICATION OF TESTIMONY.—When a caller informs the Federal magistrate that the purpose of the call is to request a warrant, the Federal magistrate shall immediately place under oath each person whose testimony forms a basis of the application and each person applying for that warrant. If a voice recording device is available, the Federal magistrate shall record by means of such device all of the call after the caller informs the Federal magistrate that the purpose of the call is to request a warrant. Otherwise a stenographic or longhand verbatim record shall be made. If a voice recording device is used or a stenographic record made, the Federal magistrate shall have the record transcribed, shall certify the accuracy of the transcription, and shall file a copy of the original record and the transcription with the court. If a longhand verbatim record is made, the Federal magistrate shall file a signed copy with the court.

“(E) CONTENTS.—The contents of a warrant upon oral testimony shall be the same as the contents of a warrant upon affidavit.

“(F) ADDITIONAL RULE FOR EXECUTION.—The person who executes the warrant shall enter the exact time of execution on the face of the duplicate original warrant.

“(G) MOTION TO SUPPRESS PRECLUDED.—Absent a finding of bad faith, evidence obtained pursuant to a warrant issued under this paragraph is not subject to a motion to suppress on the ground that the circumstances were not such as to make it reasonable to dispense with a written affidavit.”

SEC. 3. Section 1446 of title 28 of the United States Code is amended as follows:

(a) Subsection (c) is amended to read as follows:

“(c) (1) A petition for removal of a criminal prosecution shall be filed not later than thirty days after the arraignment in the State court, or at any time before trial, whichever is earlier, except that for good cause shown the United States district court may enter an order granting the petitioner leave to file the petition at a later time. Removal petition.

“(2) A petition for removal of a criminal prosecution shall include all grounds for such removal. A failure to state grounds which exist at the time of the filing of the petition shall constitute a waiver of such grounds, and a second petition may be filed only on grounds not existing at the time of the original petition. For good cause shown, the United States district court may grant relief from the limitations of this paragraph.

“(3) The filing of a petition for removal of a criminal prosecution shall not prevent the State court in which such prosecution is pending from proceeding further, except that a judgment of conviction shall not be entered unless the petition is first denied.

“(4) The United States district court to which such petition is directed shall examine the petition promptly. If it clearly appears on the face of the petition and any exhibits annexed thereto that the petition for removal should not be granted, the court shall make an order for its summary dismissal.

“(5) If the United States district court does not order the summary dismissal of such petition, it shall order an evidentiary hearing to be held promptly and after such hearing shall make such disposition of Hearing.

the petition as justice shall require. If the United States district court determines that such petition shall be granted, it shall so notify the State court in which prosecution is pending, which shall proceed no further.”.

(b) Subsection (e) is amended by striking out “such petition” and inserting “such petition for the removal of a civil action” in lieu thereof.

Effective dates.
18 USC 3771
note.

SEC. 4. (a) The first section of this Act shall take effect on the date of the enactment of this Act.

(b) Sections 2 and 3 of this Act shall take effect October 1, 1977.

Approved July 30, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-195 (Comm. on the Judiciary).
SENATE REPORT No. 95-354 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 19, considered and passed House.
July 25, considered and passed Senate, amended.
July 27, House concurred in Senate amendment.

Public Law 95-79
95th Congress

An Act

To authorize appropriations during the fiscal year 1978, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, to authorize the military training student loads, and to authorize appropriations for civil defense, and for other purposes.

July 30, 1977

[H.R. 5970]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of
Defense
Appropriation
Authorization
Act, 1978.

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1978 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, \$682,500,000; for the Navy and the Marine Corps, \$3,499,800,000; for the Air Force, \$7,918,500,000, of which \$3,000,000 may be obligated and expended only for converting an existing A-7D aircraft to a two-seat trainer version of such aircraft.

MISSILES

For missiles: for the Army, \$562,700,000; for the Navy, \$1,865,500,000; for the Marine Corps, \$110,600,000; for the Air Force, \$1,826,700,000.

NAVAL VESSELS

For naval vessels: for the Navy, \$6,191,200,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, \$1,441,300,000; for the Marine Corps, \$74,800,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, \$326,700,000.

OTHER WEAPONS

For other purposes: for the Army, \$96,000,000; for the Navy, \$114,600,000; for the Marine Corps, \$2,400,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND
EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1978 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, \$2,441,782,000;

For the Navy (including the Marine Corps), \$3,844,518,000; of which \$20,141,000 shall be available only for research and development of an extremely low frequency (ELF) system, and none of which shall be available for full-scale development or construction of a new test bed for such system; and of which no more than \$40,000,000 shall be used for research and development relating to the CVV, VSS, and DD-963(H) ship development programs; but none of the funds authorized by this title may be obligated or expended for the CVV, VSS or DD-963(H) program except for the purpose of conducting comprehensive evaluation studies of the costs and combat effectiveness of sea based aircraft platforms for both the short and long term needs of the Navy. Such studies shall include, but not be limited to, nuclear aircraft carriers, new design medium aircraft carriers (CVV), the refitting of existing aircraft carriers (Midway and other classes), and various types of VSTOL aviation ships (including VSS). The Secretary of the Navy shall take such actions as are required to insure that such studies are sufficiently advanced with respect to a Nimitz class aircraft carrier, a CVV, a VSTOL aviation ship, and a DD-963(H) so that any of such ships may be authorized in fiscal year 1979. This section shall not be construed as constituting an authorization for a CVN, a CVV, or a VSS ship.

For the Air Force, \$3,824,170,000, of which \$15,700,000 may be obligated and expended only for the North Atlantic Treaty Organization Airborne Warning and Control System (AWACS) program, but such \$15,700,000 may not be obligated or expended until at least one member country of the North Atlantic Treaty Organization (other than the United States) enters into a contract to purchase the AWACS aircraft.

For the defense agencies, \$777,210,000, of which \$25,000,000 is authorized for the activities of the Director of Test and Evaluation, Defense;

For the Director of Defense Research and Engineering, \$401,051,000.

SEC. 202. (a) The funds authorized to be appropriated under section 201 for the Director of Defense Research and Engineering during fiscal year 1978 shall be obligated only for the following purposes:

(1) An amount not to exceed \$349,000,000 for the development of a cruise missile capable of being launched from a ship or from a submarine, with emphasis to be placed on early deployment of an antiship cruise missile, for the continued development of the Air Force AGM-86 air-launched cruise missile, and for the development of a ground-launched cruise missile.

(2) An amount not to exceed \$52,051,000 for 5-inch and 155-millimeter guided projectiles, but no funds for such purpose shall be obligated until the Secretary of Defense submits a plan to the Committees on Armed Services of the Senate and House of Representatives providing (A) for the immediate conduct of engineering development of the 155-millimeter guided projectile and of the current Navy 5-inch guided projectile which shall provide for maximum implementation of common components for such projectiles and an initial operational capability for both such projectiles before January 1, 1980, and (B) for the immediate conduct of an effort by the Army and the Navy, to be performed by personnel of the Department of Defense, to validate the technical data packages for such projectiles to insure that such pack-

Plan, submittal to congressional committees.

ages are adequate for manufacture of such projectiles by a source other than the developer.

(b) Competitive cruise missile development programs shall continue until the Secretary of Defense certifies to the Committees on Armed Services of the Senate and House of Representatives that (1) a single airframe for the cruise missile can be selected which meets all operational requirements, and (2) cost data clearly establish that termination of the competitive cruise missile development programs will result in lower development and procurement costs for the cruise missile.

SEC. 203. Of the funds authorized to be appropriated under section 201 for the Navy (including the Marine Corps) for research, development, test, and evaluation, an amount not to exceed \$3,894,000 shall be available only for (1) defining a set of design specifications for the Shipboard Intermediate Range Combat System (SIRCS) program, and (2) conducting an open competition, to be conducted after such design specifications have been defined and to be based on such specifications, to select a contractor or contractors for the advanced development phase of such program. In developing such design specifications, the Secretary of the Navy shall include the best features of the designs developed by the three contractors which have been selected for the program before the date of enactment of this Act and such other features as the Secretary considers appropriate. A contract entered into under the competition required by this section may be for development of the entire system or for development of any independent subsystem of the system.

Design specifications.

SEC. 204. No funds authorized to be appropriated under section 201 shall be obligated for the fabrication of hardware required to accommodate a specific 120-millimeter gun in the XM-1 tank turret or for the installation of a 120-millimeter gun in an XM-1 tank full-scale engineering-development vehicle unless and until—

(1) comparative testing of the 105-millimeter gun system with the candidate 120-millimeter gun systems of the United Kingdom and the Federal Republic of Germany is completed, if the gun systems of such countries are available for testing as currently scheduled;

(2) the test results of such comparative testing are evaluated by the Secretary of the Army;

(3) the Secretary of the Army makes a recommendation to the Congress, which shall be submitted no later than February 1, 1978, consistent with such test results and evaluations for development and procurement of a specific 120-millimeter XM-1 tank main gun; and

Recommendation, submittal to Congress.

(4) thirty days, excluding periods of recess of more than three days by either House of Congress, elapse from the date on which the Secretary of the Army submits a recommendation under paragraph (3).

SEC. 205. The Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives, no later than February 1, 1978, a plan for the funding and scheduling necessary to incorporate by October 1, 1980, collective system protection against chemical and radiological agents for all main battle tanks, mechanized infantry combat vehicles, armored personnel carriers, armored self-propelled artillery vehicles, armored self-propelled air defense artillery vehicles, and other such types of equipment associated with the above in combat operations which will be in development or procurement in fiscal year 1981.

Plan, submittal to Congress.

SEC. 206. (a) The Secretary of the Army shall not obligate any funds authorized to be appropriated under this or any other Act for the improvement of the M-139 gun as an interim weapon system for use on the Mechanized Infantry Combat Vehicle (MICV).

(b) The Secretary of the Army shall structure the development program for the Mechanized Infantry Combat Vehicle (MICV) to provide for initiation of production of such vehicle not later than May 31, 1981.

TITLE III—ACTIVE FORCES

SEC. 301. For the fiscal year beginning October 1, 1977, and ending September 30, 1978, each component of the Armed Forces is authorized an end strength for active duty personnel as follows:

- (1) The Army, 787,000;
- (2) The Navy, 535,800;
- (3) The Marine Corps, 191,500;
- (4) The Air Force, 570,800.

SEC. 302. (a)(1) Section 201 of title 37, United States Code, relating to general rules for assignment to pay grades, is amended—

(A) by striking out subsection (c); and

(B) by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

37 USC 203.

(2) Section 203 of such title, relating to rates of basic pay for members of the uniformed services, is amended by adding at the end thereof the following new subsection:

“(c)(1) A cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, or a midshipman at the United States Naval Academy, is entitled to monthly cadet pay, or midshipman pay, at the rate of \$313.20.

“(2) The rate of monthly cadet pay, or midshipman pay, under this subsection shall be adjusted in the manner and at the time the monthly basic pay of members of the uniformed services is adjusted under section 1009 of this title.”.

37 USC 1009.

37 USC 209.

(3) (A) Section 209(c) of such title is amended to read as follows:

“(c) Each cadet or midshipman in the Senior Reserve Officers' Training Corps, while he is attending field training or practice cruises under section 2109 of title 10, and each applicant for membership in the Senior Reserve Officers' Training Corps, while he is attending field training or practice cruises to satisfy the requirements of section 2104(b)(6)(B) of title 10 for admission to advanced training, is entitled, while so attending, to pay at the rate prescribed for cadets and midshipmen at the United States Military, Naval, and Air Force Academies under section 203(c) of this title.”.

Supra.

(B) The heading of such section 209 is amended to read as follows:

“§ 209. Members of precommissioning programs”.

(C) The item relating to section 209 in the analysis of chapter 3 of such title is amended to read as follows:

“209. Members of precommissioning programs.”.

(4) Section 555 of title 10, United States Code, is amended by striking out “section 201(d)” and inserting in lieu thereof “section 201(c)”.

37 USC 203 note.

(b) Any cadet or midshipman who, on the date of enactment of this Act, or on any date thereafter, is—

(1) admitted to the United States Military Academy, the United States Naval Academy, the United States Air Force

Academy, or the Coast Guard Academy, as the case may be, or (2) enrolled in the Senior Reserve Officers' Training Corps program and attending a field training encampment or practice cruise for which he is entitled to pay under section 209(c) of title 37, United States Code,

shall, if otherwise entitled, receive the rate of pay prescribed by section 201(c) of title 37, United States Code, as in effect on the day before the date of enactment of this Act, until the rate of pay authorized by section 203(c) of such title, as added by the amendments made by subsection (a) of this section, is equal to or greater than the rate prescribed by section 201(c) of such title, as in effect on the day before the date of enactment of this Act. Thereafter, the rate of pay of such person shall be as prescribed by section 203(c) of such title, as added by the amendments made by subsection (a) of this section, or section 209(c) of such title, as amended by subsection (a) of this section, as appropriate.

Ante, p. 326.

Ante, p. 326.

(c) A person who, on the date of enactment of this Act, is an applicant for membership in the Senior Reserve Officers' Training Corps and who, in order to satisfy the requirement of section 2104(b)(6)(B) of title 10, United States Code, is attending or will attend one of the field training encampments or practice cruises in a field training or practice cruise period which is in progress on the date of enactment of this Act, is entitled to continue to receive pay at the rate prescribed by such section as in effect on the day before the date of enactment of this Act while such person is attending such field training or practice cruise period in progress on the date of enactment of this Act. Thereafter, the entitlement of such person shall be as prescribed in subsection (b) of this section.

Sec. 303. For the purpose of promoting equality and expanding job opportunities for the female members of the Armed Forces, the Secretary of Defense shall within six months from the enactment of this section, submit to the Congress a definition of the term "combat", together with recommendations on expanding job classifications to which female members of the armed services may be assigned, and recommendations on any changes in law necessary to implement these recommendations.

Definition and recommendations, submittal to Congress.

TITLE IV—RESERVE FORCES

Sec. 401. (a) For the fiscal year beginning October 1, 1977, and ending September 30, 1978, the Selected Reserve of each Reserve component of the Armed Forces shall be programed to attain an average strength of not less than the following:

- (1) The Army National Guard of the United States, 382,000;
- (2) The Army Reserve, 211,300;
- (3) The Naval Reserve, 87,000;
- (4) The Marine Corps Reserve, 32,400;
- (5) The Air National Guard of the United States, 92,500;
- (6) The Air Force Reserve, 52,000;
- (7) The Coast Guard Reserve, 11,700.

(b) The average strength prescribed by subsection (a) of this section for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year; and (2) the total number of individual members not

Reduction.

in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 402. (a) Part III of subtitle A of title 10, United States Code, relating to training, is amended by adding after chapter 105 the following new chapter:

“Chapter 106.—EDUCATIONAL ASSISTANCE FOR ENLISTED MEMBERS OF THE SELECTED RESERVE OF THE READY RESERVE

“Sec.

“2131. Educational assistance program; establishment; amount.

“2132. Eligibility for educational assistance.

“2133. Termination of assistance; refund by member.

“2134. Reports to Congress.

“2135. Termination of program.

10 USC 2131.

“§ 2131. Educational assistance program; establishment; amount

“(a) To encourage enlistments in units of the Selected Reserve of the Ready Reserve, the Secretary of each military department, under regulations prescribed by the Secretary of Defense, and the Secretary of Transportation, under regulations prescribed by him with respect to the Coast Guard when it is not operating as a service in the Navy, may establish and maintain a program to provide educational assistance to enlisted members of the Selected Reserve of the Ready Reserve of the armed force under his jurisdiction.

“(b)(1) An educational assistance program established under subsection (a) shall provide for payment by the Secretary concerned of 50 percent of the educational expenses incurred by a member for instruction at an accredited institution. Expenses for which payment may be made under this section include tuition, fees, books, laboratory fees, and shop fees for consumable materials used as part of classroom or shop instruction. Payments under this section shall be limited to those educational expenses normally incurred by students at the institution involved.

“(2) To receive assistance under this section, a member must be eligible for such assistance under section 2132 and must submit an application for such assistance in such form and manner as the Secretary concerned shall prescribe and be approved for such assistance by the Secretary concerned.

“(c) Educational assistance may be provided to a member under this section until the member completes a course of instruction required for the award of a baccalaureate degree, or the equivalent evidence of completion of study, by an accredited institution, but the amount of educational assistance provided a member under this section may not exceed \$500 in any twelve-month period, nor a total of \$2,000.

“(d) For purposes of this section, the term ‘accredited institution’ means a civilian college, university, or trade, technical, or vocational school in the United States (including the District of Columbia, Puerto Rico, Guam, and the Virgin Islands) that provides education at the

“Accredited institution.”

postsecondary level and that is accredited by a nationally recognized accrediting agency or association or by an accrediting agency or association recognized by the Commissioner of Education, Department of Health, Education, and Welfare.

§ 2132. Eligibility for educational assistance

10 USC 2132.

“(a) To be eligible for educational assistance under section 2131, a member must not be serving on active duty for more than thirty days and must—

“(1) be an enlisted member of the Selected Reserve of the Ready Reserve of an armed force;

“(2) have initially enlisted as a Reserve for service in a unit of the Selected Reserve of a reserve component after September 30, 1977;

“(3) never have served in an armed force before such enlistment;

“(4) at the time of such enlistment have executed an agreement as prescribed by subsection (b); Agreement.

“(5) be a graduate from secondary school;

“(6) have completed the initial period of active duty for training required of such member;

“(7) if the member is assigned to a unit, be participating satisfactorily in training with such unit; and

“(8) have served less than eight years as a Reserve.

“(b) (1) An agreement referred to in subsection (a) (4) shall be in writing and shall provide that if the member accepts educational assistance under section 2131, the period of enlistment of such member shall be automatically extended by two years and if the member is discharged for the purpose of accepting an appointment as an officer, the member shall remain a member of the Ready Reserve until the eighth anniversary of such enlistment.

“(2) A member who enlists after September 30, 1977, but before regulations to carry out this chapter are promulgated shall be eligible for educational assistance under section 2131 if he is otherwise eligible for such assistance under subsection (a) and if he executes an agreement as described in paragraph (1) not later than one year after the date on which regulations to carry out this chapter are first promulgated.

“(c) Educational assistance being provided a member under section 2131 may be continued to a member who otherwise continues to qualify for such assistance if such member—

“(1) is discharged in order to accept an immediate appointment as an officer in the Ready Reserve; or

“(2) is no longer a member of the Selected Reserve, if such member is a member of the Ready Reserve and has served at least six years in the Selected Reserve of the Ready Reserve.

§ 2133. Termination of assistance; refund by member

10 USC 2133.

“(a) Educational assistance being provided a member under section 2131 shall be terminated if—

“(1) the member fails to participate satisfactorily in training with his unit, if he is a member of a unit;

“(2) the member is separated from his armed force, unless he is separated in order to accept an immediate appointment as an officer in the Ready Reserve;

“(3) the member completes eight years of service; or

“(4) the member receives financial assistance under section 2107 as a member of the Senior Reserve Officers' Training Corps.

“(b) A member who fails to participate satisfactorily in training with his unit, if he is a member of a unit, shall refund the amount of all educational assistance received by such member under section 2131 unless the failure to participate in training was due to reasons beyond the control of the member. Any refund made by a member under this subsection shall not affect the period of obligation of such member to serve as a Reserve.

10 USC 2134. **“§ 2134. Reports to Congress**

“The Secretary of Defense shall submit a report to the Congress every three months stating the number of members of the Selected Reserve of the Ready Reserve receiving educational assistance under this chapter at the time of such report and listing each unit of the Selected Reserve of the Ready Reserve to which any such member is assigned at the time of such report. The first such report shall be submitted not later than December 31, 1977.

10 USC 2135. **“§ 2135. Termination of program**

“No educational assistance may be provided under this chapter to any person enlisting as a Reserve after September 30, 1978.”.

(b) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part III of such subtitle are amended by inserting after the item relating to chapter 105 the following new item:

“106. Educational Assistance for Enlisted Members of the Selected Reserve of the Ready Reserve----- 2131”.

SEC. 403. (a) (1) Chapter 5 of title 37, United States Code, is amended by inserting after section 308a of such chapter the following new section:

37 USC 308b. **“§ 308b. Special pay: reenlistment bonus for members of the Selected Reserve**

“(a) An enlisted member of a reserve component who—

“(1) initially enlisted in a reserve component (other than an enlistment in a reserve component under the delayed enlistment program for the active forces);

“(2) has completed less than ten years of service as a member of a reserve component; and

“(3) reenlists or voluntarily extends his enlistment for a period of three years or for a period of six years in a designated military skill, or in a designated unit, in the Selected Reserve of the Ready Reserve of an armed force;

may be paid a bonus as provided in subsection (b).

“(b) The bonus to be paid under subsection (a) shall be—

“(1) an initial payment of—

“(A) \$450, in the case of a member who reenlists or voluntarily extends his enlistment for a period of three years; or

“(B) \$900, in the case of a member who reenlists or voluntarily extends his enlistment for a period of six years; and

“(2) a subsequent payment of \$150 upon the completion of each year of the period of such reenlistment or extension of enlistment during which such member has satisfactorily participated in training with his unit.

“(c) No member shall be paid more than one bonus under this section.

“(d) A member who fails to participate satisfactorily in training with his unit during a term of enlistment for which a bonus is being paid to him under this section shall refund an amount equal to the amount by which the amount of such bonus exceeds the product of—

“(1) the number of months during that term of enlistment during which such member participated satisfactorily in training with his unit; and

“(2) \$25.

“(e) The Secretary of Defense shall submit a report to the Congress every three months listing the units of the Selected Reserve of the Ready Reserve which have been designated by him for purposes of subsection (a) (3) and stating the number of members of the Selected Reserve of the Ready Reserve who at the time of such report are serving a term of enlistment for which a bonus is being paid under this section. The first such report shall be submitted not later than December 31, 1977.

Report to Congress.

“(f) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy.

Regulations.

“(g) No bonus may be paid under this section to any enlisted member who, after September 30, 1978, reenlists or voluntarily extends his enlistment in a reserve component.”.

(2) The analysis of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 308a the following new item:

“308b. Special pay: reenlistment bonus for members of the Selected Reserve.”.

(b) The amendments made by subsection (a) shall apply with respect to any reenlistment, or voluntary extension of an enlistment, in the Selected Reserve of any reserve component of the Armed Forces after September 30, 1977.

Effective date.
37 USC 308b
note.

TITLE V—CIVILIAN PERSONNEL

SEC. 501. (a) For the fiscal year beginning October 1, 1977, and ending September 30, 1978, the Department of Defense is authorized an end strength for civilian personnel of 1,018,600.

(b) The end strength for civilian personnel prescribed in subsection (a) of this section shall be apportioned among the Department of the Army, the Department of the Navy, including the Marine Corps, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within 60 days after the date of enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale of each allocation.

Report to Congress.

(c) In computing the authorized end strength for civilian personnel there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the

Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program. Whenever a function, power, duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

Personnel
increase,
limitation.

Notification to
Congress.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, he may authorize the employment of civilian personnel in excess of the number authorized by subsection (a) of this section but such additional number may not exceed $1\frac{1}{4}$ percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a) of this section. The Secretary of Defense shall promptly notify the Congress of an authorization to increase civilian personnel strength under the authority of this subsection.

TITLE VI—MILITARY TRAINING STUDENT LOADS

SEC. 601. (a) For the fiscal year beginning October 1, 1977, and ending September 30, 1978, each component of the Armed Forces is authorized an average military training student load as follows:

- (1) The Army, 77,711;
- (2) The Navy, 60,767;
- (3) The Marine Corps, 24,020;
- (4) The Air Force, 50,356;
- (5) The Army National Guard of the United States, 16,606;
- (6) The Army Reserve, 11,136;
- (7) The Naval Reserve, 1,065;
- (8) The Marine Corps Reserve, 3,449;
- (9) The Air National Guard of the United States, 2,598;
- (10) The Air Force Reserve, 1,186.

(b) The average military training student loads for the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components authorized in subsection (a) of this section for the fiscal year ending September 30, 1978, shall be adjusted consistent with the manpower strengths authorized in titles III, IV, and V of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components in such manner as the Secretary of Defense shall prescribe.

SEC. 602. Section 2102 of title 10, United States Code, is amended by adding at the end thereof a new subsection as follows:

“(d) The President shall cause to be established and maintained in each State at least one unit of the program if—

“(1) a unit is requested by an educational institution in the State;

“(2) such request is approved by the Governor of the State in which the institution requesting the unit is located; and

“(3) the Secretary of the military department concerned determines that there will be not less than 40 students enrolled in such unit and that the provisions of this section are otherwise satisfied.”.

TITLE VII—CIVIL DEFENSE

SEC. 701. Funds are hereby authorized to be appropriated during fiscal year 1978 to carry out the provisions of the Federal Civil Defense Act of 1950, for programs of the Defense Civil Preparedness Agency, in the amount of \$95,250,000.

50 USC app.
2251 note.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. The President shall include in the budget for fiscal year 1979 a request for funds sufficient to meet the total operation and maintenance costs of the Department of Defense for such year, including reasonably foreseeable increases in both the private and public sectors in the cost of labor, material, and other goods and services.

SEC. 802. None of the funds authorized to be appropriated by this Act may be used to pay any claim over \$5,000,000 against the United States, unless such claim has been thoroughly examined and evaluated by officials of the Department of Defense responsible for determining such claims and a report is made to the Congress as to the validity of these claims.

Claims, payment.
Report to
Congress.

SEC. 803. (a) Section 651(a) of title 10, United States Code, is amended by striking out “male” and “after August 9, 1955,” in the first sentence thereof.

(b) The amendments made by subsection (a) shall take effect on the first day of the seventh calendar month beginning after the month in which this Act is enacted and shall apply to any female person who becomes a member of an Armed Force on or after such day.

Effective date.
10 USC 651 note.

SEC. 804. (a) Section 105(a) of title 32, United States Code, is amended—

(1) by striking out “The Secretary of the Army shall have an inspection made at least once a year” and inserting in lieu thereof “Under regulations prescribed by him, the Secretary of the Army may have an inspection made”; and

Regulations.

(2) by striking out “and” at the end of clause (4), striking out the period at the end of clause (5) and inserting in lieu thereof “; and”, and inserting after clause (5) the following new clause:

“(6) the accounts and records of each property and fiscal officer are properly maintained.”.

(b) Section 708 of title 32, United States Code, is amended—

(1) by striking out subsection (d);

(2) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively; and

(3) by striking out “(e)” in subsection (e) (as so redesignated) and inserting in lieu thereof “(d)”.

SEC. 805. Section 6485(b) of title 10, United States Code, is amended by striking out “and shall be physically examined” and all that follows in such section and inserting in lieu thereof a period.

37 USC 209 note.

SEC. 806. The Act entitled "An Act to provide subsistence allowances for members of the Marine Corps officer candidate programs", approved November 24, 1971 (85 Stat. 491; 37 U.S.C. 209 note), is amended by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1978".

Israel, aircraft
sales.

SEC. 807. (a) Notwithstanding any other provision of law, the authority provided in section 501 of Public Law 91-441 (84 Stat. 909) is hereby extended until October 1, 1979; but no transfer of aircraft or other equipment may be made under the authority of such section 501 unless funds have been previously appropriated for such transfer.

(b) Section 501 of Public Law 91-441 (84 Stat. 909) is amended by adding at the end thereof a new sentence as follows: "In any case in which aircraft or other equipment is transferred under authority of this section and such aircraft or equipment is taken from the inventory of the Armed Forces of the United States or is scheduled to be included in such inventory, the Secretary of Defense shall, as soon as practicable and as authorized by law, restock the inventory of the Armed Forces of the United States with equivalent quantities of aircraft and other equipment so transferred."

DOD
experiments and
studies, report
and accounting to
congressional
committees.
50 USC 1520.

SEC. 808. (a) (1) The Secretary of Defense shall supply the Committees on Armed Services of the Senate and House of Representatives, not later than October 1 of each year, a full accounting of all experiments and studies conducted by the Department of Defense in the preceding twelve-month period, whether directly or under contract, which involve the use of human subjects for the testing of chemical or biological agents.

(2) Not later than thirty days after final approval within the Department of Defense of plans for any experiment or study to be conducted by the Department of Defense, whether directly or under contract, involving the use of human subjects for the testing of chemical or biological agents, the Secretary of Defense shall supply the Committees on Armed Services of the Senate and House of Representatives with a full accounting of such plans for such experiment or study, and such experiment or study may then be conducted only after the expiration of the thirty-day period beginning on the date such accounting is received by such committees.

(b) (1) The Secretary of Defense may not conduct any test or experiment involving the use of any chemical or biological agent on civilian populations unless local civilian officials in the area in which the test or experiment is to be conducted are notified in advance of such test or experiment, and such test or experiment may then be conducted only after the expiration of the thirty-day period beginning on the date of such notification.

(2) Paragraph (1) shall apply to tests and experiments conducted by Department of Defense personnel and tests and experiments conducted on behalf of the Department of Defense by contractors.

DOD commercial
or industrial
functions,
performance
review.
10 USC 2304
note.

SEC. 809. (a) The Secretary of Defense and the Director of the Office of Management and Budget shall jointly conduct a complete and comprehensive review of the criteria used in determining whether commercial or industrial type functions at Department of Defense installations located in any State, the District of Columbia, the Commonwealth of Puerto Rico, and Guam should be performed by Department of Defense personnel or by private contractors. The review shall include—

(1) an evaluation of the basis for, and assumptions underlying, Department of Defense methods for conducting cost analyses with respect to decisions to contract for performance of commercial or industrial type functions;

(2) an evaluation of the differences between private contractors and the Department of Defense in their procedures and policies relating to personnel compensation and other differences affecting their analysis of the cost of personnel;

(3) identification of the defense mission essential functions identified by the Secretary of Defense as not suitable for performance by private contractors; and

(4) an evaluation, to be made by the Director of the Office of Management and Budget, of all aspects of OMB Circular A-76 and of the implementation of such circular.

(b) A detailed report describing the results of the review required by subsection (a) shall be submitted to the Committees on Armed Services of the Senate and House of Representatives before January 1, 1978. No commercial or industrial type function of the Department of Defense which on the date of enactment of this Act is being performed by Department of Defense personnel shall be converted to performance by private contractors before the earlier of March 15, 1978, or the end of the 90-day period beginning on the date the report required by this section is received by such committees. The prohibition in the preceding sentence shall not apply to the conversion to performance by private contractors of any commercial or industrial type function at any Department of Defense installation referred to in subsection (a) if such conversion would have been made under policies and regulations in effect before June 30, 1976.

(c)(1) The Secretary of Defense shall, before January 1, 1978, submit a report to the Committees on Armed Services of the Senate and House of Representatives (A) detailing the rationale of the Department of Defense for the establishment of goals for the percentage of work at defense research installations to be performed by private contractors, and (B) detailing the rationale for any direction in effect on the date of enactment of this Act (i) establishing a minimum or maximum percentage for the allocation of work at any defense research installation to be performed by private contractors, or (ii) directing a change in any such allocation in effect on the date of enactment of this Act.

(2) Until March 15, 1978, or the end of the 90-day period beginning on the date the report required by this subsection is received by such committees, whichever is earlier, the percentage of all research and exploratory development work to be performed at or by any Department of Defense research installation which is to be performed by private contractors may not exceed the percentage of such work that was performed by private contractors during the period beginning on July 1, 1975, and ending on September 30, 1976.

SEC. 810. No funds authorized or appropriated under this or any other Act shall be expended to purchase advertising of any sort for the purpose of advertising the existence of the special discharge review program for certain individuals who served in the Armed Forces of the United States between August 4, 1964, and March 28, 1973, which was established by order of the Secretary of Defense on April 5, 1977.

SEC. 811. (a) (1) The total number of commissioned officers on active duty in the Army, Marine Corps, and Air Force above the grade of

Report to congressional committees.

Private performance conversion, temporary prohibition.

Report to congressional committees.

Special discharge review program, advertising prohibition. 50 USC app. 462 note. Commissioned officers on active duty and civilians, ceilings. 10 USC 131 note.

colonel, and on active duty in the Navy above the grade of captain, may not exceed 1,073 after October 1, 1980, and the total number of civilian employees of the Department of Defense in grades GS-13 through GS-18, including positions authorized under section 1581 of title 10, United States Code, shall be reduced during the fiscal year beginning October 1, 1977, by the same percentage as the number of officers on active duty in the Army, Marine Corps, and Air Force above the grade of colonel and on active duty in the Navy above the grade of captain is reduced below 1,141 during such fiscal year, and during the fiscal years beginning October 1, 1978, and October 1, 1979, by a percentage equal to the percentage by which the number of commissioned officers on active duty in the Army, Marine Corps, and Air Force above the grade of colonel and on active duty in the Navy above the grade of captain is reduced during such fiscal year below the total number of such officers on active duty on October 1, 1978, and October 1, 1979, respectively.

(2) On and after October 1, 1980, the total number of civilian employees of the Department of Defense in the grades and positions described in paragraph (1) may not exceed the number employed in such grades and positions on the date of enactment of this subsection reduced as provided in paragraph (1).

(3) In time of war, or of national emergency declared by Congress, the President may suspend the operation of paragraphs (1) and (2).

Suspension
during national
emergency.

(b)(1) Subsection (b) of section 5231 of title 10, United States Code, is amended to read as follows:

“(b) The number of officers serving in the grades of admiral and vice admiral under subsection (a) of this section and section 5081 of this title may not be more than 15 percent of the number of officers on the active list of the Navy above the grade of captain. Of the number of officers that may serve in the grades of admiral and vice admiral, as determined under this subsection, not more than 25 percent may serve in the grade of admiral.”.

(2) Such section 5231 is further amended—

(A) by striking out subsection (c);

(B) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively; and

(C) by striking out “numbers authorized under subsections (b) and (c)” in subsections (c) and (d) (as redesignated by subparagraph (B)) and inserting in lieu thereof “number authorized for that grade under subsection (b)”.

(3) Subsection (b) of section 5232 of title 10, United States Code, is amended to read as follows:

“(b) The number of officers serving in the grades of general and lieutenant general may not be more than 15 percent of the number of officers on the active list of the Marine Corps above the grade of colonel.”.

(4) The second sentence of subsection (c) of such section is amended by striking out the period and inserting in lieu thereof a comma and the following: “and while in that grade he is in addition to the number authorized for that grade under subsection (b) of this section.”.

SEC. 812. The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than February 15, 1978, a report setting forth quantifiable and measurable materiel readiness requirements for the Armed Forces, including the Reserve components thereof, the monthly readiness

Materiel
readiness
requirements,
report to
congressional
committees.
10 USC 2203
note.

status of the Armed Forces, including the reserve components thereof, during fiscal year 1977, and any changes in such requirements and status projected for fiscal years 1978 and 1979 and in the five-year defense program. The Secretary of Defense shall also inform such committees of any subsequent changes in the aforementioned materiel readiness requirements and the reasons for such changes. The budget for the Department of Defense submitted to the Congress for fiscal year 1979 and subsequent fiscal years shall include data projecting the effect of the appropriations requested for materiel readiness requirements.

Changes,
information to
congressional
committees.

SEC. 813. In authorizing procurement under section 101 of this Act and research and development under section 201 of this Act, Congress asserts its readiness to consider, in accordance with the processes set forth in the Congressional Budget and Impoundment Control Act of 1974 and the Budget and Accounting Act, 1921, such modifications in United States strategic arms programs as the President may recommend to facilitate either negotiation or agreement in the Strategic Arms Limitation Talks.

10 USC 2203
note.

SEC. 814. Section 813 of the Department of Defense Appropriation Authorization Act, 1976, is amended to read as follows:

"SEC. 813. In the case of any letter of offer to sell or any proposal to transfer defense articles which are valued at \$25,000,000 or more from the United States active forces' inventories or from current production, the Secretary of Defense shall submit a report to the Congress setting forth—

31 USC 1301
note.
31 USC 1.

Sale or transfer of
defense articles,
report to
Congress.
10 USC 133 note.

"(1) the impact of such sales or transfers on the current readiness of United States forces;

"(2) the adequacy of reimbursements to cover, at the time of replenishment of United States inventories, the full replacement costs of those items sold or transferred; and

"(3) for each article to be sold (A) the initial issue quantity requirement for United States forces for that article, (B) the percentage of such requirement already delivered to such forces or contracted for at the time of the report, (C) the timetable for meeting such requirement absent the proposed sale, and (D) the timetable for meeting such requirement if the sale is approved."

SEC. 815. (a) Chapter 141 of title 10, United States Code, relating to miscellaneous procurement provisions, is amended by adding after section 2389 the following new section:

"§ 2390. Suggestions for improving procurement policies

10 USC 2390.

"(a) The Secretary of Defense shall request each commissioned officer, and each civilian employee above grade GS-12, who is scheduled for retirement and who is, or was at any time within one year prior to such scheduled retirement, assigned to, or employed in, military procurement to submit suggestions for methods to improve procurement policies, including suggestions for improving competitive bidding procedures and for reducing or eliminating any inequities that may exist. Such request shall be made of each such commissioned officer or employee not less than 30 days preceding his release from active duty or his separation. Submission of suggestions shall be at the option of each such commissioned officer or employee, and each such officer or employee shall be allowed reasonable time during working hours to prepare such suggestions, if such officer or employee chooses to make suggestions under this section.

Semiannual
report to
congressional
committees.

“(b) The Secretary of Defense shall submit a semiannual report to the Committees on Armed Services of the Senate and House of Representatives containing a copy of each suggestion submitted under subsection (a) during the preceding six-month period and the response of the Department of Defense to each such suggestion.”.

(b) The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by adding after the item relating to section 2389 the following new item:

“2390. Suggestions for improving procurement policies.”.

Short title.

SEC. 816. This Act may be cited as the “Department of Defense Appropriation Authorization Act, 1978”.

Approved July 30, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-194 (Comm. on Armed Services) and No. 95-446 (Comm. of Conference).

SENATE REPORTS: No. 95-129 (Comm. on Armed Services) and No. 95-282 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 21, 22, 25, considered and passed House.

May 16, 17, considered and passed Senate, amended.

July 13, House agreed to conference report.

July 14, Senate agreed to conference report.

Public Law 95-80
95th Congress

Joint Resolution

To provide for a temporary extension of certain Federal Housing Administration mortgage insurance and related authorities and of the national flood insurance program, and for other purposes.

July 31, 1977
[S.J. Res. 77]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Housing.

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE
INSURANCE AUTHORITIES

SECTION 1. (a) Section 2(a) of the National Housing Act is amended by striking out "August 1, 1977" in the first sentence and inserting in lieu thereof "October 1, 1977". 12 USC 1703.

(b) Section 217 of such Act is amended by striking out "July 31, 1977" and inserting in lieu thereof "September 30, 1977". 12 USC 1715h.

(c) Section 221(f) of such Act is amended by striking out "July 31, 1977" in the fifth sentence and inserting in lieu thereof "September 30, 1977". 12 USC 1715l.

(d) Section 244(d) of such Act is amended by striking out "July 31, 1977" in the first sentence and inserting in lieu thereof "September 30, 1977". 12 USC 1715z-9.

(e) Section 809(f) of such Act is amended by striking out "July 31, 1977" in the second sentence and inserting in lieu thereof "September 30, 1977". 12 USC 1748h-1.

(f) Section 810(k) of such Act is amended by striking out "July 31, 1977" in the second sentence and inserting in lieu thereof "September 30, 1977". 12 USC 1748h-2.

(g) Section 1002(a) of such Act is amended by striking out "July 31, 1977" in the second sentence and inserting in lieu thereof "September 30, 1977". 12 USC 1749bb.

(h) Section 1101(a) of such Act is amended by striking out "July 31, 1977" in the second sentence and inserting in lieu thereof "September 30, 1977". 12 USC 1749aaa.

EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY

SEC. 2. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, as amended (12 U.S.C. 1709-1), is amended by striking out "August 1, 1977" and inserting in lieu thereof "October 1, 1977".

EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM

SEC. 3. Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "July 31, 1977" and inserting in lieu thereof "September 30, 1977". 42 USC 4026.

EXTENSION OF RURAL HOUSING AUTHORITIES

- 42 USC 1483. SEC. 4. (a) Section 513 of the Housing Act of 1949 is amended by striking out "July 31, 1977" where it appears in clauses (b), (c), and (d) and inserting in lieu thereof "September 30, 1977".
- 42 USC 1485. (b) Section 515(b)(5) of such Act is amended by striking out "July 31, 1977" and inserting in lieu thereof "September 30, 1977".
- 42 USC 1487. (c) Section 517(a)(1) of such Act is amended by striking out "July 31, 1977" and inserting in lieu thereof "September 30, 1977".
- 42 USC 1490c. (d) Section 523(f) of such Act is amended by striking out "August 1, 1977" and inserting in lieu thereof "October 1, 1977", and by striking out "July 31, 1977" and inserting in lieu thereof "September 30, 1977".

Approved July 31, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

July 28, considered and passed Senate.

July 29, considered and passed House.

Public Law 95-81
95th Congress

An Act

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1978, and for other purposes.

July 31, 1977

[H.R. 7552]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1978, and for other purposes, namely:

Treasury, Postal Service, and General Government Appropriation Act, 1978.

Treasury Department Appropriations Act, 1978.

TITLE I

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For the necessary expenses in the Office of the Secretary, including the operation and maintenance of the Treasury Building and Annex thereof; hire of passenger motor vehicles; and not to exceed \$15,000 for official reception and representation expenses; \$29,400,000 of which not to exceed \$100,000 shall be available for unforeseen emergencies of a confidential character, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, and of which \$1,500,000 shall be for repairs and improvements to Treasury buildings and shall remain available until expended.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including purchase (not to exceed eight for police-type use) and hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; \$12,000,000.

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Government Financial Operations, \$147,000,000.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms including purchase of (not to exceed four hundred for replacement only, for police-type use), and hire of passenger motor vehicles;

hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; \$122,600,000.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of five hundred and seventeen passenger motor vehicles (of which four hundred and ninety-seven shall be for replacement only), including five hundred and seven for police-type use; acquisition (purchase of one), operation, and maintenance of aircraft; hire of passenger motor vehicles and aircraft; and awards of compensation to informers as authorized by the Act of August 13, 1954 (22 U.S.C. 401); \$384,700,000, of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed \$600,000 for research shall remain available until expended.

BUREAU OF ENGRAVING AND PRINTING

BUREAU OF ENGRAVING AND PRINTING FUND

31 USC 181 note.
31 USC 181a. For additional capital for the Bureau of Engraving and Printing Fund established by the Act of August 4, 1950 (31 U.S.C. 181-181e), \$5,000,000, to remain available until expended, and, notwithstanding section 2(e) of said Act, the full amount of payments made since July 1, 1974, and hereafter, for work and services in accordance with section 1 of the Act, at prices adjusted to permit the acquisition of capital equipment and provide future working capital.

BUREAU OF THE MINT

SALARIES AND EXPENSES

For necessary expenses of the Bureau of the Mint, including not to exceed \$2,500 for the expenses of the annual assay commission; \$41,000,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States. \$118,214,000.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Internal Revenue Service, not otherwise provided for, including executive direction, administrative support, and internal audit and security; hire of passenger motor vehicles; and services of expert witnesses at such rates as may be determined by the Commissioner; \$51,000,000.

ACCOUNTS, COLLECTION AND TAXPAYER SERVICE

For necessary expenses of the Internal Revenue Service for processing tax returns, revenue accounting, providing assistance to taxpayers, securing unfiled tax returns, and collecting unpaid taxes; hire of

passenger motor vehicles; and services of expert witnesses at such rates as may be determined by the Commissioner; including not to exceed \$10,000,000 for employees on temporary appointments and not to exceed \$10,000 for salaries of personnel engaged in preemployment training of data transcriber applicants; \$870,300,000.

COMPLIANCE

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities, and for investigation and enforcement activities, including purchase (not to exceed four hundred and seventy-five of which three hundred and thirty shall be for replacement only) and hire of passenger motor vehicles; and services of expert witnesses at such rates as may be determined by the Commissioner; \$938,500,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Secret Service, including purchase (not to exceed two hundred and twelve for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments which may be provided without reimbursement; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be necessary to perform protective functions; and the conducting and participation in firearms matches; \$123,000,000, of which not to exceed \$2,000,000 shall remain available until expended, for payments to State and local governments for protection of permanent and observer foreign diplomatic missions, pursuant to Public Law 94-196.

3 USC 202, 208.

GENERAL PROVISIONS—TREASURY DEPARTMENT

SEC. 101. Appropriations in this Act to the Treasury Department shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-2) including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services as authorized by 5 U.S.C. 3109.

SEC. 102. Motor vehicles for police-type use by the Treasury Department may be purchased without regard to the general purchase price limitation for the current fiscal year.

This title may be cited as the "Treasury Department Appropriations Act, 1978".

Citation of title.

TITLE II

U.S. POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for public service costs and for revenue foregone on free and reduced rate mail, pursuant to 39 U.S.C. 2401 (b) and (c), and for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund

Postal Service
Appropriation
Act, 1978.

and to postal employees for earned and unused annual leave as of June 30, 1971, pursuant to 39 U.S.C. 2004, \$1,695,540,000.

Citation of title.

This title may be cited as the "Postal Service Appropriation Act, 1978".

Executive Office
Appropriations
Act, 1978.

TITLE III

EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102, \$250,000.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For expenses necessary for the White House Office as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109, at such per diem rates for individuals as the President may specify and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed \$100,000 to be accounted for solely on the certificate of the President); and not to exceed \$10,000 for official entertainment expenses to be available for allocation within the Executive Office of the President; \$17,580,000.

EXECUTIVE RESIDENCE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurbishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence, to be expended as the President may determine, notwithstanding the provisions of this or any other Act, and official entertainment expenses of the President to be accounted for solely on his certificate, \$2,157,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

For the care, maintenance, repair and alteration, furnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, and for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, \$121,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For expenses necessary to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109, but at rates for

individuals not to exceed the per diem equivalent of the rate for grade GS-18, compensation for one position at a rate not to exceed the rate of level II of the Executive Schedule, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service, including hire of passenger motor vehicles, \$1,327,000.

5 USC 5332 note.
5 USC 5313.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), \$1,995,000.

COUNCIL ON WAGE AND PRICE STABILITY

SALARIES AND EXPENSES

For expenses, including compensation for the Deputy Director at a rate not to exceed the rate for level V of the Executive Schedule, necessary for the Council on Wage and Price Stability as authorized by the Council on Wage and Price Stability Act of 1974 (Public Law 93-387 as amended by Public Law 94-78), \$2,100,000, subject to enactment of S. 1542, H.R. 6951, or similar authorizing authority.

12 USC 1904
note.

DOMESTIC COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Domestic Council, including services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for grade GS-18; and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service; \$1,850,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For expenses necessary for the National Security Council, including services as authorized by 5 U.S.C. 3109, \$3,000,000.

OFFICE OF DRUG ABUSE POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of Drug Abuse Policy as authorized by section 4 of Public Law 94-237 (21 U.S.C. 1120), \$1,200,000.

21 USC 1103.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For expenses necessary for the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$1,500 for official reception and representation expenses, \$28,830,000.

OFFICE OF FEDERAL PROCUREMENT POLICY

SALARIES AND EXPENSES

For expenses of the Office of Federal Procurement Policy, including services as authorized by 5 U.S.C. 3109, \$1,840,000.

OFFICE OF TELECOMMUNICATIONS POLICY

SALARIES AND EXPENSES

For expenses necessary for the conduct of telecommunications functions assigned to the Director of the Office of Telecommunications Policy, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, \$8,447,000.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, and to pay administrative expenses (including personnel, in his discretion and without regard to any provision of law regulating employment and pay of persons in the government service or regulating expenditures of government funds) incurred with respect thereto, \$1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 1978".

Citation of title.

Independent
Agencies
Appropriations
Act, 1978.

TITLE IV

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), \$914,000.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

42 USC 4271. For expenses necessary to carry out the provisions of the Act of September 24, 1959, as amended (73 Stat. 703-706), \$1,600,000.

ADVISORY COMMITTEE ON FEDERAL PAY

SALARIES AND EXPENSES

For necessary expenses of the Advisory Committee on Federal Pay, established by 5 U.S.C. 5306, \$220,000.

CIVIL SERVICE COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physi-

cians on a fee basis; rental of conference rooms in the District of Columbia; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; and advances or reimbursements to applicable funds of the Commission and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; \$110,930,000 together with not to exceed \$30,065,000 for current fiscal year administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Commission in amounts determined by the Commission without regard to other statutes: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds for administrative expenses of effecting statutory annuity adjustments. No part of the appropriation herein made to the Civil Service Commission shall be available for the salaries and expenses of the Legal Examining Unit of the Commission, established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose.

22 USC 287 note.

3 CFR
1943-1948
Comp., p. 256.

GOVERNMENT PAYMENT FOR ANNUITANTS EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, \$506,467,000, to remain available until expended.

5 USC 8901 *et seq.*

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special acts, to be credited to the Civil Service retirement and disability funds, \$1,737,070,000: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended (2 C.Z.C. 181), and the Act of August 19, 1950, as amended (33 U.S.C. 771-775), may hereafter be paid out of the Civil Service retirement and disability fund.

33 USC 776.

FEDERAL LABOR RELATIONS COUNCIL

SALARIES AND EXPENSES

For expenses necessary to carry out functions of the Civil Service Commission under Executive Order No. 11491 of October 29, 1969, as amended, \$1,787,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government Service, and compensation as authorized by 5 U.S.C. 3109.

5 USC 7301 note.

INTERGOVERNMENTAL PERSONNEL ASSISTANCE

For grants to improve State and local personnel administration, as authorized by the Intergovernmental Personnel Act of 1970, \$20,000,000, to remain available until expended.

42 USC 4701 note.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY
HANDICAPPED

SALARIES AND EXPENSES

41 USC 46. For expenses necessary for the Committee for Purchase from the Blind and Other Severely Handicapped established by the Act of June 23, 1971, Public Law 92-28, including hire of passenger motor vehicles, \$344,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

2 USC 431 note. For expenses necessary to carry out the provisions of the Federal Election Campaign Act Amendments of 1976, \$7,300,000, of which \$750,000 shall be available only for activities, including contract support, of the National Clearinghouse of the Federal Election Commission.

GENERAL SERVICES ADMINISTRATION

DISPOSAL OF SURPLUS REAL AND RELATED PERSONAL PROPERTY,
OPERATING EXPENSES

16 USC 4601-4 note. Not to exceed \$7,935,000 of any proceeds received by the General Services Administration during the current fiscal year from transfers of excess property and the disposal of surplus real and related personal property shall be deposited to this appropriation, and shall be available for necessary expenses in carrying out surplus property functions, pursuant to the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460 1-5).

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The revenues and collections deposited into a fund pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings and moving; repair and alteration of federally owned buildings, including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by purchase contract; in the aggregate amount of \$1,332,789,000, of

which (1) not to exceed \$20,479,000 shall remain available until expended for construction of additional projects as authorized by law at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction:

Alaska:

Alaska Highway, Border Station (Additional Facilities), \$903,000

California:

West Los Angeles, Federal Bureau of Investigation, Federal Parking and Maintenance Facility, \$7,487,000

Maine:

Fort Kent, Border Station, \$2,130,000

Michigan:

Detroit, Ambassador Bridge Border Station (Acquisition and Improvements), \$2,559,000 and Acquisition and Improvements of United States Postal Service Properties, \$7,400,000:

Provided, That the immediately foregoing limits of costs may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: (2) not to exceed \$200,000,000, which shall remain available until expended for alterations and major repairs; (3) not to exceed \$98,000,000 for payment on purchase contracts entered into prior to July 1, 1975; (4) not to exceed \$487,000,000 for rental of space; (5) not to exceed \$462,310,000 for real property operations; and (6) not to exceed \$65,000,000 for program direction and centralized services: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356), the Public Buildings Amendments of 1972 (40 U.S.C. 490), and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of General Services Administration shall be considered to be federally owned buildings: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under Section 210(f)(6) of the Federal Property and Administration Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That any revenues and collections and any other sums accruing to this fund during fiscal year 1978, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), in excess of \$1,332,789,000 shall be deposited in miscellaneous receipts of the Treasury of the United States.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For expenses, not otherwise provided, necessary for supply distribution (including contractual services incident to receiving, handling and shipping supply items), procurement, inspection, standardization,

7 USC 1704.

and supply management activities as authorized by law, transportation, public utilities, the utilization of excess property, the disposal of surplus property, the rehabilitation of personal property, the national stockpile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h), the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607), and the inventory maintained under the Defense Production Act of 1950, as amended (50 U.S.C. 2061-2166), including services as authorized by 5 U.S.C. 3109, \$160,000,000: *Provided*, That during the current fiscal year the General Services Administration is authorized to acquire leasehold interests in property, for periods not in excess of twenty years, for the storage, security, and maintenance of strategic, critical, and other materials in the national and supplemental stockpiles, provided said leasehold interests are at nominal cost to the Government: *Provided further*, That during the current fiscal year there shall be no limitation on the value of surplus strategic and critical materials which, in accordance with section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e), may be transferred without reimbursement to the national stockpile: *Provided further*, That during the current fiscal year materials in the inventory maintained under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061-2166), and excess materials in the national stockpile and supplemental stockpile, the disposition of which is authorized by law, shall be available, without reimbursement, for transfer at fair market value to contractors as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, or otherwise beneficiating materials, or of rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b), and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093(d)).

NATIONAL ARCHIVES AND RECORDS SERVICE

OPERATING EXPENSES

For necessary expenses in connection with Federal records management and related activities, as provided by law, including reimbursement for security guard services, contractual services incident to movement or disposal of records, and acceptance and utilization of voluntary and uncompensated services, \$67,134,000, of which \$3,500,000 for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended.

RECORDS DECLASSIFICATION

For expenses necessary for the review and declassification of documents, and related records management activities, pursuant to 44 U.S.C. 2104, 2108, and 2904 and implementing provisions of Executive Order 11652, directives issued pursuant thereto, and other applicable authorities, including expenses not otherwise provided for, and acceptance and utilization of voluntary and uncompensated services, \$1,470,000.

50 USC 401 note.

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE

OPERATING EXPENSES

For expenses, not otherwise provided, necessary for carrying out Government-wide responsibilities relating to automated data management, telecommunications and related activities, as authorized by law, including services as authorized by 5 U.S.C. 3109, \$8,024,000.

FEDERAL PREPAREDNESS AGENCY

SALARIES AND EXPENSES

For expenses necessary for emergency preparedness functions, including activities authorized by 50 U.S.C. 404(b) (3), and 50 U.S.C. App. 2251-2297, and the disposal of excess materials in the national stockpile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h), the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607), and the inventory maintained under the Defense Production Act of 1950, as amended (50 U.S.C. 2061-2166), including services as authorized by 5 U.S.C. 3109 and expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency planning, and the provision of transportation in connection with the continuity of Government program, to the same extent and in the same manner as permitted the Secretary of a military department under 10 U.S.C. 2632, \$38,800,000.

EXPENSES, DEFENSE PRODUCTION ACT

For payment of expenses for carrying out the provisions and purposes of Title III of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2091-2094), \$1,300,000.

GENERAL MANAGEMENT AND AGENCY OPERATIONS

SALARIES AND EXPENSES

For expenses of general management and agency operations of activities under the control of the General Services Administration, \$12,860,000: *Provided*, That not to exceed \$2,500 shall be available for reception and representation expenses.

INDIAN TRUST ACCOUNTING

For expenses necessary to provide accounting, records management, and other support incident to adjudication of Indian Tribal claims by the Indian Claims Commission, \$2,818,000: *Provided*, That none of these funds shall be available for transfer to any other account.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), \$617,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of sections (a) and (c) of such Act.

ADMINISTRATIVE AND STAFF SUPPORT SERVICES

SALARIES AND EXPENSES

For administrative expenses necessary in providing general administrative and staff support services within the General Services Administration, not otherwise provided for, \$79,425,000: *Provided*, That this appropriation shall be available, subject to reimbursement by the applicable agency, for services performed for other agencies pursuant to section 601 of the Economy Act of 1932, as amended (31 U.S.C. 686).

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SEC. 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with (1) cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129); and (2) appropriations or funds available to other agencies, and transferred to the General Services Administration, in connection with property transferred to the General Services Administration pursuant to the Act of July 2, 1948 (50 U.S.C. 451ff), and such appropriations or funds may be so transferred, with the approval of the Office of Management and Budget.

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. None of the funds available under this Act or under section 111 of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended for the procurement by purchase, lease or any other arrangement, in whole or in part, of any or all the automatic data processing system, data communications network, or related software and services for the joint General Services Administration-Department of Agriculture MCS project 97-72 contained in the Request for Proposal CDPA 74-14, any successor to such project, or any other common user shared facilities authorized under section 111 of the Federal Property and Administrative Services Act of 1949.

40 USC 759.

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of title II of Public Law 93-495, \$200,000, to remain available until expended.

12 USC 2401.

NATIONAL CENTER FOR PRODUCTIVITY AND QUALITY
OF WORKING LIFE

SALARIES AND EXPENSES

For necessary expenses of the National Center for Productivity and Quality of Working Life, including services as authorized by § U.S.C. 3109, and hire of passenger motor vehicles. \$2,900,000, to remain available until expended.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, \$8,188,000: *Provided*, That travel

26 USC 7443
note.

expenses of the judges shall be paid upon the written certificate of the judge.

DEFENSE CIVIL PREPAREDNESS AGENCY

OPERATION AND MAINTENANCE

For expenses, not otherwise provided for, necessary for carrying out civil defense activities including the hire of motor vehicles; and financial contributions to the States for civil defense purposes, as authorized by law; \$69,300,000: *Provided*, That not to exceed \$31,600,000 shall be available for allocation under section 205 of the Federal Civil Defense Act of 1950, as amended.

50 USC app.
2286.

RESEARCH, SHELTER SURVEY, AND MARKING

For expenses, not otherwise provided for, necessary for studies and research to develop measures and plans for civil defense; continuing shelter surveys, marking, and equipping surveyed spaces; and financial contributions to the States under section 201(i) of the Federal Civil Defense Act, which shall be equally matched, for emergency operating centers and civil defense equipment: \$20,700,000.

50 USC app.
2281.

GENERAL PROVISIONS—CIVIL DEFENSE

SEC. 1. Appropriations contained in this Act for carrying out civil defense activities shall not be available in excess of the limitations on appropriations contained in section 408 of the Federal Civil Defense Act, as amended (50 U.S.C. App. 2260).

SEC. 2. No part of any appropriation in this Act shall be available for the construction of warehouses or for the lease of warehouse space in any building which is to be constructed specifically for civil defense activities.

This title may be cited as the "Independent Agencies Appropriations Act, 1978".

Citation of title.

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; or to payments to interagency motor pools where separately set forth in the budget schedules.

Travel expenses.

SEC. 502. No part of any appropriation contained in this Act shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Civil Service Commission as still qualified to perform the duties of his former position and has not been restored thereto.

Employees,
military leave,
position
restoration.

Offices outside
D.C., limitation.

SEC. 503. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

Fiscal year
limitation.

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Foreign made
tools,
procurement
restriction.

SEC. 505. No part of any appropriation contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

32 CFR 6.104-4.

Stainless steel
flatware,
procurement.

SEC. 506. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulation, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

32 CFR 6.104-4.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

Motor vehicle
purchase.
31 USC 638c.
31 USC 638a.

SEC. 601. Unless otherwise specifically provided the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at \$2,700 except station wagons for which the maximum shall be \$3,100: *Provided*, That these limits may be exceeded by not to exceed \$1,700 for police-type vehicles.

Police-type
vehicles.
Citizenship
requirement for
employees.
31 USC 699b.

SEC. 602. Unless otherwise specified and during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, or the Baltic

countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese refugees paroled into the United States between January 1, 1975, and the date of enactment of this Act: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined not more than \$4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal-clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 603. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

Quarters
allowances.

SEC. 604. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

Nominees not
approved,
compensation
restriction.

SEC. 605. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to the Government Corporation Control Act, as amended (31 U.S.C. 841), shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

Administrative
expense funds.

SEC. 606. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchange allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

Foreign credits.

SEC. 607. (a) No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress.

Publicity or
propaganda.

(b) No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

U.S. Postal
Service
employees,
communication
with Congress.

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denied promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

Interdepartmental groups, expenses.

SEC. 608. No part of any appropriation contained in this or any other Act, shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under section 214 of the Independent Offices Appropriations Act, 1946 (31 U.S.C. 691) which do not have prior and specific congressional approval of such method of financial support.

Space and service charges and building improvements.

SEC. 609. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements, performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

40 USC 601 note.
40 USC 603 note.

U.S. or Postal Service guards, funds.

SEC. 610. Funds made available by this or any other Act to (1) the General Services Administration, including the fund created by the Public Buildings Amendments of 1972 (86 Stat. 216), and (2) the "Postal Service Fund" (39 U.S.C. 2003), shall be available for employment of guards for all buildings and areas owned or occupied by the United States or the Postal Service and under the charge and control of the General Services Administration or the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), but shall not be restricted to certain Federal property as otherwise required by the proviso contained in said section, and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318a, 318b) attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318c).

SEC. 611. None of the funds available under this Act shall be available for administrative expenses in connection with the transfer of any functions, personnel, facilities, equipment, or funds out of the United

States Customs Service unless such transfers have been specifically authorized by the Congress.

SEC. 612. None of the funds available under this Act shall be available for administrative expenses for the purpose of transferring the border control activities of the United States Customs Service to any other agency of the Federal Government.

Bureau of
Customs.

SEC. 613. No part of any appropriation contained in, or funds made available by, this or any other Act shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than such agency included in its budget for the current fiscal year and for which appropriations were granted.

40 USC 490.

SEC. 614. None of the funds available under this or any other Act shall be available for administrative expenses in connection with the designation for construction, arranging for financing, or execution of contracts or agreements for financing or construction of any additional purchase contract projects pursuant to section 5 of the Public Buildings Amendments of 1972 (Public Law 92-313) during the period beginning October 1, 1976, and ending September 30, 1978.

40 USC 602a.

This Act may be cited as the "Treasury, Postal Service, and General Government Appropriation Act, 1978".

Short title.

Approved July 31, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-378 (Comm. on Appropriations) and No. 95-455 (Comm. of Conference).

SENATE REPORT No. 95-267 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 8, considered and passed House.

June 20, considered and passed Senate, amended.

July 14, House agreed to conference report, concurred in certain Senate amendments with an amendment; Senate agreed to conference report, and concurred in House amendment.

Public Law 95-82
95th Congress

An Act

Aug. 1, 1977

[S. 1474]

To authorize certain construction at military installations, and for other purposes.

Military
Construction
Authorization
Act, 1978.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Military Construction Authorization Act, 1978”.

TITLE I—ARMY

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, \$15,976,000.
Fort Campbell, Kentucky, \$553,000.
Fort Carson, Colorado, \$1,924,000.
Fort Hood, Texas, \$13,142,000.
Fort Lewis, Washington, \$985,000.
Fort Meade, Maryland, \$3,168,000.
Fort Ord, California, \$4,149,000.
Presidio of San Francisco, California, \$500,000.
Fort Polk, Louisiana, \$48,720,000.
Fort Richardson, Alaska, \$1,990,000.
Fort Riley, Kansas, \$531,000.
Fort Sam Houston, Texas, \$10,000,000.
Schofield Barracks, Hawaii, \$10,189,000.
Fort Stewart/Hunter Army Air Field, Georgia, \$10,991,000.
Fort Wainwright, Alaska, \$6,985,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Fort Belvoir, Virginia, \$5,503,000.
Fort Benjamin Harrison, Indiana, \$1,796,000.
Fort Benning, Georgia, \$24,132,000.
Fort Bliss, Texas, \$1,881,000.
Fort A. P. Hill, Virginia, \$423,000.
Fort Jackson, South Carolina, \$366,000.
Fort Knox, Kentucky, \$15,541,000.
Fort Lee, Virginia, \$313,000.
Fort McClellan, Alabama, \$1,805,000.
Fort Rucker, Alabama, \$1,250,000.
Fort Sill, Oklahoma, \$1,100,000.

UNITED STATES ARMY MATERIEL DEVELOPMENT AND READINESS COMMAND

Aberdeen Proving Ground, Maryland, \$8,458,000.
Anniston Army Depot, Alabama, \$6,484,000.
Badger Army Ammunition Plant, Wisconsin, \$688,000.
Corpus Christi Army Depot, Texas, \$7,583,000.
Detroit Arsenal, Michigan, \$228,000.
Harry Diamond Laboratory, Maryland, \$1,305,000.
Indiana Army Ammunition Plant, Indiana, \$1,004,000.
Iowa Army Ammunition Plant, Iowa, \$708,000.
Letterkenny Army Depot, Pennsylvania, \$310,000.
Lexington Blue-Grass Army Depot, Kentucky, \$1,827,000.
Lone Star Army Ammunition Plant, Texas, \$816,000.
Picatinny Arsenal, New Jersey, \$9,593,000.
Pine Bluff Arsenal, Arkansas, \$4,439,000.
Pueblo Army Depot, Colorado, \$3,011,000.
Red River Army Depot, Texas, \$1,193,000.
Redstone Arsenal, Alabama, \$962,000.
Rock Island Arsenal, Illinois, \$6,284,000.
Tooele Army Depot, Utah, \$17,415,000.
Umatilla Army Depot, Oregon, \$2,921,000.
White Sands Missile Range, New Mexico, \$866,000.

AMMUNITION FACILITIES

Holston Army Ammunition Plant, Tennessee, \$4,616,000.
Indiana Army Ammunition Plant, Indiana, \$1,009,000.
Iowa Army Ammunition Plant, Iowa, \$11,192,000.
Longhorn Army Ammunition Plant, Texas, \$555,000.
Louisiana Army Ammunition Plant, Louisiana, \$4,345,000.
Milan Army Ammunition Plant, Tennessee, \$10,467,000.
Mississippi Army Ammunition Plant, Mississippi, \$136,000,000.
Radford Army Ammunition Plant, Virginia, \$203,000.
Riverbank Army Ammunition Plant, California, \$584,000.
Volunteer Army Ammunition Plant, Tennessee, \$597,000.
Unspecified location, \$334,710,000.

UNITED STATES ARMY COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, \$1,279,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York, \$3,047,000.

UNITED STATES ARMY HEALTH SERVICES COMMAND

Walter Reed Army Medical Center, District of Columbia, \$2,089,000.

MILITARY TRAFFIC MANAGEMENT COMMAND

Bayonne Military Ocean Terminal, New Jersey, \$442,000.
Sunny Point Military Ocean Terminal, North Carolina, \$631,000.

UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND

Vint Hill Farms, Virginia, \$960,000.

NUCLEAR WEAPONS SECURITY

Various locations, \$7,764,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Panama Area, Canal Zone, \$2,384,000.

UNITED STATES ARMY, JAPAN

Various locations, \$3,698,000.

KWAJALEIN MISSILE RANGE

National Missile Range, \$2,603,000.

UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND

Various locations, \$1,331,000.

UNITED STATES ARMY, EUROPE

Germany, Various locations, \$175,115,000, including funds for the completion of the medical/dental clinic, Building 504, Pendleton Barracks, Giessen.

Italy, Various locations, \$3,770,000.

Various locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, \$85,000,000. Within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

Obligations,
description
furnished to
congressional
committees.

NUCLEAR WEAPONS SECURITY

Various locations, \$6,800,000.

EMERGENCY CONSTRUCTION

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security and, in connection therewith, may acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$20,000,000. The Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and

Congressional
committees,
notification.

House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire upon the date of enactment of the Military Construction Authorization Act for fiscal year 1979 except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to such date.

Authorization
expiration.

TITLE II—NAVY

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

TRIDENT FACILITIES

Various locations, \$106,910,000.

MARINE CORPS

Marine Corps Supply Center, Albany, Georgia, \$650,000.
 Marine Corps Air Station, Beaufort, South Carolina, \$1,100,000.
 Marine Corps Base, Camp Lejeune, North Carolina, \$13,400,000.
 Marine Corps Base, Camp Pendleton, California, \$6,530,000.
 Marine Corps Air Station, Cherry Point, North Carolina, \$4,500,000.
 Marine Corps Air Station, El Toro, California, \$600,000.
 Marine Corps Air Station, Kaneohe Bay, Hawaii, \$160,000.
 Marine Corps Recruit Depot, Parris Island, South Carolina, \$4,250,000.
 Marine Corps Recruit Depot, San Diego, California, \$1,200,000.
 Marine Corps Base, Twentynine Palms, California, \$11,965,000.

CHIEF OF NAVAL OPERATIONS

Naval Academy, Annapolis, Maryland, \$365,000.
 Naval Observatory, Flagstaff, Arizona, \$80,000.
 Commander in Chief, Pacific, Headquarters, Pearl Harbor, Hawaii, \$4,200,000.
 Naval Support Activity, Mare Island, Vallejo, California, \$2,900,000.
 Naval District Headquarters, Washington, District of Columbia, \$850,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Air Station, Brunswick, Maine, \$1,400,000.
 Naval Air Station, Cecil Field, Florida, \$90,000.
 Naval Station, Charleston, South Carolina, \$180,000.
 Fleet Combat Direction Systems Training Center, Dam Neck, Virginia, \$400,000.
 Naval Amphibious Base, Little Creek, Virginia, \$1,850,000.
 Naval Station, Mayport, Florida, \$90,000.
 Naval Submarine Base, New London, Connecticut, \$3,570,000.
 Flag Administrative Unit Atlantic, Norfolk, Virginia, \$90,000.

Fleet Intelligence Center Europe and Atlantic, Norfolk, Virginia, \$1,137,000.

Naval Air Station, Norfolk, Virginia, \$14,350,000.

Naval Station, Norfolk, Virginia, \$4,340,000.

Naval Air Station, Oceana, Virginia, \$640,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Station, Adak, Alaska, \$11,000,000.

Naval Air Station, Barbers Point, Hawaii, \$7,197,000.

Naval Amphibious Base, Coronado, California, \$130,000.

Naval Air Station, Miramar, California, \$1,330,000.

Naval Air Station, Moffett Field, California, \$810,000.

Naval Air Station, North Island, California, \$6,000,000.

Commander Oceanographic System, Pacific, Pearl Harbor, Hawaii, \$7,400,000.

Naval Station, Pearl Harbor, Hawaii, \$4,050,000.

Naval Submarine Base, Pearl Harbor, Hawaii, \$2,090,000.

Naval Station, San Diego, California, \$8,566,000.

Naval Submarine Support Facility, San Diego, California, \$1,670,000.

Naval Air Station, Whidbey Island, Washington, \$900,000.

CHIEF OF NAVAL EDUCATION AND TRAINING

Naval Air Station, Kingsville, Texas, \$550,000.

Naval Education and Training Center, Newport, Rhode Island, \$270,000.

Armed Forces Staff College, Norfolk, Virginia, \$160,000.

Naval Training Center, Orlando, Florida, \$200,000.

Naval Amphibious School, Coronado, San Diego, California, \$3,450,000.

Naval Submarine Training Center, Pearl Harbor, Hawaii, \$410,000.

Naval Technical Training Center, Pensacola, Florida, \$2,400,000.

BUREAU OF MEDICINE AND SURGERY

Naval Regional Medical Center, Bremerton, Washington, \$1,450,000.

Naval Regional Medical Center, Norfolk, Virginia, \$600,000.

CHIEF OF NAVAL MATERIAL

Naval Ship Research and Development Center, Annapolis, Maryland, \$280,000.

Naval Ship Research and Development Center, Bethesda, Maryland, \$200,000.

Puget Sound Naval Shipyard, Bremerton, Washington, \$11,600,000.

Polaris Missile Facility Atlantic, Charleston, South Carolina, \$18,150,000.

Charleston Naval Shipyard, Charleston, South Carolina, \$14,376,000.

Naval Weapons Station, Charleston, South Carolina, \$850,000.

Naval Air Rework Facility, Cherry Point, North Carolina, \$360,000.

Naval Weapons Center, China Lake, California, \$900,000.

Naval Weapons Station, Concord, California, \$1,350,000.

Navy Public Works Center, Great Lakes, Illinois, \$850,000.

Naval Avionics Facility, Indianapolis, Indiana, \$90,000.

Naval Ordnance Station, Indian Head, Maryland, \$180,000.

Naval Air Rework Facility, Jacksonville, Florida, \$1,200,000.
Naval Torpedo Station, Keyport, Washington, \$3,540,000.
Portsmouth Naval Shipyard, Kittery, Maine, \$10,030,000.
Naval Air Station, Lakehurst, New Jersey, \$160,000.
Long Beach Naval Shipyard, Long Beach, California, \$9,020,000.
Naval Underwater Systems Center, New London, Connecticut,
\$950,000.
Naval Air Rework Facility, Norfolk, Virginia, \$390,000.
Naval Supply Center, Norfolk, Virginia, \$1,200,000.
Navy Public Works Center, Norfolk, Virginia, \$4,150,000.
Naval Air Test Center, Patuxent River, Maryland, \$5,289,000.
Naval Supply Center, Pearl Harbor, Hawaii, \$13,400,000.
Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii, \$1,080,000.
Navy Public Works Center, Pearl Harbor, Hawaii, \$3,000,000.
Navy Public Works Center, Pensacola, Florida, \$1,250,000.
Philadelphia Naval Shipyard, Philadelphia, Pennsylvania,
\$17,500,000.
Pacific Missile Test Center, Point Mugu, California, \$80,000.
Naval Construction Battalion Center, Port Hueneme, California,
\$2,510,000.
Norfolk Naval Shipyard, Portsmouth, Virginia, \$100,000.
Naval Undersea Center, San Diego, California, \$250,000.
Navy Public Works Center, San Francisco, California, \$480,000.
Naval Air Propulsion Test Center, Trenton, New Jersey, \$240,000.
Mare Island Naval Shipyard, Vallejo, California, \$24,100,000.
Naval Research Laboratory, Washington, District of Columbia,
\$330,000.
Naval Surface Weapons Center, White Oak, Maryland, \$280,000.
Naval Weapons Station, Yorktown, Virginia, \$5,800,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Department, Adak, Alaska, \$2,350,000.
Naval Security Group Detachment, Sugar Grove, West Virginia,
\$900,000.
Naval Security Station, Washington, District of Columbia, \$90,000.

NUCLEAR WEAPONS SECURITY

Various locations, \$20,658,000.

OUTSIDE THE UNITED STATES

CHIEF OF NAVAL OPERATIONS

Naval Support Facility, Diego Garcia, Indian Ocean, \$7,300,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Facility, Antigua, British West Indies, \$180,000.
Naval Station, Keflavik, Iceland, \$161,000.
Naval Station, Roosevelt Roads, Puerto Rico, \$320,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Navy Public Works Center, Guam, \$2,800,000.
Navy Fleet Activities, Yokosuka, Japan, \$1,850,000.

NAVAL FORCES EUROPE

Naval Air Facility, Sigonella, Italy, \$4,300,000.

BUREAU OF MEDICINE AND SURGERY

Naval Regional Medical Clinic, Pearl Harbor, Midway Island Detachment, \$4,350,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station, Naples, Italy, \$1,700,000.

Naval Communications Unit, Thurso, Scotland, \$350,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Department, Rota, Spain, \$2,400,000.

EMERGENCY CONSTRUCTION

Congressional
committees,
notification.

Authorization
expiration.

Submarine
squadron,
accommodation.
Study and public
notice.

SEC. 202. (a) The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security and, in connection therewith, may acquire, construct, convert, rehabilitate, or install permanent or temporary public works including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$20,000,000. The Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire upon the date of enactment of the Military Construction Authorization Act for fiscal year 1979 except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to such date.

(b) The Secretary of the Navy may use the authority contained in subsection (a) to provide the necessary facilities at King's Bay, Georgia, or at such other site as he may determine, to accommodate the submarine squadron currently stationed in Rota, Spain. Funds may not be expended for such purpose until the Secretary of the Navy has completed a site selection study and has publicly announced his final site decision.

(c) The third sentence of section 202 of the Military Construction Authorization Act, 1977 (Public Law 94-431; 90 Stat. 1355), is amended by striking out "fiscal year 1978" and inserting in lieu thereof "fiscal year 1979".

REPLACEMENT OF LEASED FACILITIES, SAN DIEGO, CALIFORNIA

Agreement.

SEC. 203. (a) The Secretary of the Navy is authorized to construct recreational facilities at the Naval Station, San Diego, California, to

replace existing recreational facilities at the present Navy Athletic Field at such naval station, but such construction may not be carried out until the Secretary enters into an agreement with the San Diego Unified Port District, the current holder of the lessor interest of the City of San Diego in such Navy Athletic Field (held by the Secretary of the Navy under a lease from the City of San Diego dated August 9, 1949), which provides (1) that the San Diego Unified Port District shall pay, at such time or times and in such manner as may be prescribed in such agreement, the total cost of such construction, and (2) that the Secretary of the Navy agrees to termination of the interest of the United States in the lease and abandonment of the existing facilities of the United States on the leasehold.

(b) Any agreement under subsection (a) shall specify that such lease shall not be terminated, and the Secretary of the Navy shall not be required to relinquish use of any part of the leasehold, until—

(1) the Secretary determines that the recreational facilities constructed under such subsection are satisfactory replacements for the facilities on the existing Navy Athletic Field and that such facilities are available for use; and

(2) the amount required under such agreement to be paid by the San Diego Unified Port District has been paid in full.

TRANSFER OF AUTHORIZATION—JACKSONVILLE, FLORIDA

SEC. 204. The Secretary of the Navy may utilize \$2,950,000 of the authorization for the Naval Air Station, Jacksonville, Florida, in section 201 of the Military Construction Authorization Act, 1977 (Public Law 94-431; 90 Stat. 1352), for construction of steam and condensate systems at such naval air station.

TRANSFER OF AUTHORIZATION—BETHESDA, MARYLAND

SEC. 205. The Secretary of the Navy may utilize \$8,000,000 of the authorization for the National Naval Medical Center, Bethesda, Maryland, in section 201 of the Military Construction Authorization Act, 1976 (Public Law 94-107; 89 Stat. 550), for construction of a south parking structure for the 500-bed replacement hospital at such medical center.

TITLE III—AIR FORCE

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Kingsley Field, Oregon, \$115,000.
Peterson Air Force Base, Colorado, \$773,000.
Tyndall Air Force Base, Florida, \$4,550,000.

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, \$23,020,000.
Kelly Air Force Base, Texas, \$9,878,000.

McClellan Air Force Base, California, \$4,086,000.
Newark Air Force Station, Ohio, \$2,080,000.
Robins Air Force Base, Georgia, \$11,884,000.
Tinker Air Force Base, Oklahoma, \$12,894,000.
Wright Patterson Air Force Base, Ohio, \$7,274,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tennessee, \$1,280,000.
Brooks Air Force Base, Texas, \$550,000.
Buckley Air National Guard Base, Colorado, \$1,100,000.
Edwards Air Force Base, California, \$13,532,000.
Eglin Air Force Base, Florida, \$16,485,000.
Los Angeles Air Force Station, California, \$500,000.
Patrick Air Force Base, Florida, \$300,000.
Various locations, \$2,826,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, \$8,026,000.
Columbus Air Force Base, Mississippi, \$1,183,000.
Keesler Air Force Base, Mississippi, \$850,000.
Lackland Air Force Base, Texas, \$4,700,000.
Lowry Air Force Base, Colorado, \$5,188,000.
Mather Air Force Base, California, \$115,000.
Randolph Air Force Base, Texas, \$425,000.
Sheppard Air Force Base, Texas, \$980,000.
Williams Air Force Base, Arizona, \$679,000.

AIR UNIVERSITY

Gunter Air Force Base, Alabama, \$248,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Alaska, \$297,000.
Elmendorf Air Force Base, Alaska, \$5,042,000.
King Salmon Airport, Alaska, \$631,000.
Shemya Air Force Base, Alaska, \$3,947,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Oklahoma, \$805,000.
Andrews Air Force Base, Maryland, \$3,626,000.
Bolling Air Force Base, District of Columbia, \$133,000.
Dover Air Force Base, Delaware, \$165,000.
Little Rock Air Force Base, Arkansas, \$573,000.
McChord Air Force Base, Washington, \$1,141,000.
McGuire Air Force Base, New Jersey, \$640,000.
Norton Air Force Base, California, \$874,000.
Pope Air Force Base, North Carolina, \$1,669,000.
Travis Air Force Base, California, \$9,980,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Hawaii, \$2,140,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Louisiana, \$2,253,000.
Beale Air Force Base, California, \$409,000.
Carswell Air Force Base, Texas, \$400,000.
Castle Air Force Base, California, \$884,000.
Dyess Air Force Base, Texas, \$672,000.
Ellsworth Air Force Base, South Dakota, \$376,000.
Griffiss Air Force Base, New York, \$645,000.
Grissom Air Force Base, Indiana, \$6,300,000.
March Air Force Base, California, \$1,387,000.
McConnell Air Force Base, Kansas, \$216,000.
Offutt Air Force Base, Nebraska, \$1,364,000.
Pease Air Force Base, New Hampshire, \$910,000.
Plattsburgh Air Force Base, New York, \$518,000.
Rickenbacker Air Force Base, Ohio, \$137,000.
Vandenberg Air Force Base, California, \$2,193,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Texas, \$874,000.
Cannon Air Force Base, New Mexico, \$937,000.
Davis Monthan Air Force Base, Arizona, \$262,000.
England Air Force Base, Louisiana, \$585,000.
George Air Force Base, California, \$3,073,000.
Holloman Air Force Base, New Mexico, \$2,377,000.
Homestead Air Force Base, Florida, \$90,000.
Langley Air Force Base, Virginia, \$5,202,000.
Luke Air Force Base, Arizona, \$9,242,000.
MacDill Air Force Base, Florida, \$2,420,000.
Moody Air Force Base, Georgia, \$5,555,000.
Mountain Home Air Force Base, Idaho, \$195,000.
Myrtle Beach Air Force Base, South Carolina, \$718,000.
Nellis Air Force Base, Nevada, \$5,180,000.
Seymour-Johnson Air Force Base, North Carolina, \$3,816,000.
Shaw Air Force Base, South Carolina, \$763,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado, \$1,872,000.

NUCLEAR WEAPONS SECURITY

Various locations, \$44,298,000.

OUTSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Sondrestrom Air Base, Greenland, \$310,000.
Thule Air Base, Greenland, \$350,000.

PACIFIC AIR FORCES

Kadena Air Base, Japan, \$2,372,000.
Osan Air Base, Korea, \$1,255,000.
Yokota Air Base, Japan, \$2,448,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, \$1,905,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, \$16,417,000.
 United Kingdom, \$11,730,000.
 Various locations, \$97,905,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Misawa Air Base, Japan, \$732,000.

NUCLEAR WEAPONS SECURITY

Various locations, \$10,162,000.

SPECIAL FACILITIES

Various locations, \$2,356,000.

EMERGENCY CONSTRUCTION

SEC. 302. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security and, in connection therewith, may acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$20,000,000. The Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire upon the date of enactment of the Military Construction Authorization Act for fiscal year 1979 except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to such date.

Congressional
committees,
notification.

Authorization
expiration.

TITLE IV—DEFENSE AGENCIES

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for defense agencies for the following acquisition or construction:

INSIDE THE UNITED STATES

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, \$650,000.

DEFENSE SYSTEMS MANAGEMENT COLLEGE

Fort Belvoir, Virginia, \$1,810,000.

HIGH ENERGY LASER FACILITY

White Sands, New Mexico, \$33,449,000.

EMERGENCY CONSTRUCTION

SEC. 402. (a) The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States and, in connection therewith, may acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$20,000,000. The Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public works undertaken under this section, including real estate actions pertaining thereto.

Congressional
committees,
notification.

(b) Any authorization, or any part of any authorization, for emergency construction in any prior Military Construction Authorization Act which permits the Secretary of Defense to establish or develop military installations and facilities which he determines to be vital to the security of the United States for which funds have not been appropriated before the date of enactment of this Act is repealed.

TITLE V—MILITARY FAMILY HOUSING AND HOME-OWNERS ASSISTANCE PROGRAM

AUTHORIZATION TO CONSTRUCT OR ACQUIRE HOUSING

SEC. 501. (a) The Secretary of Defense, or his designee, is authorized to construct or acquire sole interest in existing family housing units in the numbers and at the locations hereinafter named, but no family housing construction shall be commenced at any such location in the United States until the Secretary shall have consulted with the Secretary of Housing and Urban Development as to the availability of suitable private housing at such location. If agreement cannot be reached with respect to the availability of suitable private housing at any location, the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

Secretary of
HUD,
consultation.

Congressional
committees,
notification.

(b) With respect to the family housing units authorized to be constructed by this section, the Secretary of Defense is authorized to acquire sole interest in privately owned or Department of Housing and Urban Development held family housing units in lieu of constructing all or a portion of the family housing authorized by this

Cost limitations.

section, if he, or his designee, determines such action to be in the best interests of the United States, but any family housing units acquired under authority of this subsection shall not exceed the cost limitations specified in this section for the project nor the limitations on size specified in section 2684 of title 10, United States Code. In no case may family housing units be acquired under this subsection through the exercise of eminent domain authority, and in no case may family housing units other than those authorized by this section be acquired in lieu of construction unless the acquisition of such units is hereafter specifically authorized by law.

(c) Family housing units:

Fort Polk, Louisiana, one hundred units, \$3,545,000.

Naval Complex, Adak, Alaska, one hundred units, \$8,500,000.

Portsmouth Naval Complex, Kittery, Maine, two hundred units, \$8,086,000.

Naval Security Group Activity, Winter Harbor, Maine, thirty-two units, \$1,450,000.

Naval Complex, Bremerton, Washington, five hundred twenty units, \$24,602,000.

Defense Attache Office, Quito, Ecuador, two units, \$105,000.

Defense Attache Office, Wellington, New Zealand, two units, \$88,000.

(d) Any of the amounts specified in this section may, at the discretion of the Secretary of Defense, or his designee, be increased by 10 per centum, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. The amounts authorized include the costs of shades, screens, ranges, refrigerators, and all other installed equipment and fixtures, the cost of the family housing unit, design, supervision, inspection, overhead, land acquisition, site preparation, and installation of utilities.

IMPROVEMENT OF EXISTING QUARTERS

SEC. 502. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions, or extensions, not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(1) for the Department of the Army, \$20,891,000, of which \$223,000 shall be available only for energy conservation projects;

(2) for the Department of the Navy, \$10,353,000, of which \$3,500,000 shall be available only for energy conservation projects; and

(3) for the Department of the Air Force, \$15,022,000, of which \$485,000 shall be available only for energy conservation projects.

EXCEPTIONS TO IMPROVEMENT LIMITATION

SEC. 503. The Secretary of Defense, or his designee, within the amounts specified in section 502, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the \$15,000 limitation prescribed in section 610(a) of the Military Construction Authorization Act, 1968 (Public Law 90-110; 81 Stat. 305), as follows:

Fort Bliss, Texas, one unit, \$50,000.

Marine Corps Development and Education Command, Quantico, Virginia, thirty-three units, \$739,880.

LEASED QUARTERS

SEC. 504. (a) (1) Chapter 159 of title 10, United States Code, relating to real property, is amended by adding at the end thereof the following new section:

“§ 2686. Leases: military family housing

10 USC 2686.

“(a) The Secretaries of the military departments are authorized to lease housing facilities for assignment as public quarters to military personnel and their dependents, without rental charge, at or near any military installation in the United States, Puerto Rico, or Guam, if the Secretary of Defense, or his designee, finds that there is a lack of adequate housing at or near such military installation and that—

“(1) there has been a recent substantial increase in military strength and such increase is temporary,

“(2) the permanent military strength is to be substantially reduced in the near future,

“(3) the number of military personnel assigned is so small as to make the construction of family housing uneconomical,

“(4) family housing is required for personnel attending service school academic courses on permanent change of station orders, or

“(5) family housing has been authorized but is not yet completed or a family housing authorization request is in a pending military construction authorization bill.

“(b) Housing facilities may be leased under subsection (a) on an individual unit basis, and not more than ten thousand such units may be so leased at any one time.

“(c) Expenditures for the rental of such housing facilities, including the cost of utilities and maintenance and operation of such facilities, may not exceed—

Cost limitations.

“(1) for housing facilities in the United States (other than Alaska, Hawaii, and Guam) and Puerto Rico, (A) an average of \$280 per month for each military department, or (B) \$450 per month for any one unit; and

“(2) for housing facilities in Alaska, Hawaii, and Guam, (A) an average of \$350 per month for each military department, or (B) \$450 per month for any one unit.”

(2) The table of sections at the beginning of chapter 159 of title 10, United States Code, is amended by adding at the end thereof the following new item:

“2686. Leases: military family housing.”.

(b) Section 515 of Public Law 84-161, approved July 15, 1955 (10 U.S.C. 2674 note), is repealed.

(c) The amendments made by subsection (a) and the repeal made by subsection (b) shall take effect October 1, 1977.

Repeal.
10 USC 2674
note.
Effective date.
10 USC 2686
note.

LEASES FOR FAMILY HOUSING FACILITIES IN FOREIGN COUNTRIES

SEC. 505. (a) Section 2675 of title 10, United States Code, is amended—

(1) by striking out the period at the end of subsection (a) and inserting in lieu thereof “. except that a lease under this section for military family housing facilities and real property relating thereto may be for a period of more than five years but may not be for a period of more than ten years.”;

(2) by inserting after “under this section” in subsection (b) the following: “or any other provision of law for structures,

- family housing facilities, or related real property in any foreign country"; and
- (3) by adding at the end thereof the following new subsection:
- Cost limitations. " (d) (1) The average unit rental for Department of Defense family housing acquired by lease in foreign countries may not exceed \$435 per month for the Department, and in no event shall the rental for any one unit exceed \$760 per month, including the costs of operation, maintenance, and utilities. The Secretary of Defense may waive the cost limitations specified in the first sentence of this paragraph with respect to not more than 150 such units if such units are leased for incumbents of special positions or for personnel assigned to Defense Attaché Offices or are leased in countries where excessive costs of housing would cause undue hardship on Department of Defense personnel.
- Waiver. " (2) Not more than 15,000 family housing units may be leased in foreign countries at any one time."
- Repeal. (b) Section 507 (b) of the Military Construction Authorization Act, 1974 (87 Stat. 676), is repealed.
- Effective date. (c) The amendments made by subsection (a) and the repeal made by subsection (b) shall take effect October 1, 1977.
- 10 USC 2675 note.

ENERGY CONSUMPTION METERING DEVICES

SEC. 506. (a) The Secretary of Defense is authorized to accomplish the installation of energy consumption metering devices on military family housing facilities in existence or authorized before the date of enactment of this Act at a cost not to exceed—

- (1) for the Department of the Army, \$16,000,000;
- (2) for the Department of the Navy, \$24,000,000; and
- (3) for the Department of the Air Force, \$30,000,000.

(b) In addition to all other authorized variations of cost limitations contained in this Act and prior Military Construction Authorization Acts, the Secretary of Defense may permit increases in such cost limitations by such amounts as may be necessary to install energy consumption metering devices on military family housing facilities as authorized by subsection (a).

- Applicability. (c) This section shall apply with respect to any military family housing facility in any State, the District of Columbia, the Commonwealth of Puerto Rico, or Guam.

EXCESS ENERGY CONSUMPTION CHARGES

- Regulations. SEC. 507. (a) In order to accomplish energy conservation, the Secretary of Defense shall, under such regulations as he may prescribe—
- 10 USC 4593 note.

(1) establish a reasonable ceiling for the consumption of energy in any military family housing facility equipped with an appropriate energy consumption metering device; and

(2) assess the member of the Armed Forces who is the occupant of such facility a charge, at rates to be determined by the Secretary of Defense, for any energy consumption metered at such facility in excess of the ceiling established for such facility pursuant to paragraph (1).

- Proceeds, deposit in account. (b) Any proceeds from excess consumption charges under subsection (a) shall be deposited in the Department of Defense family housing management account established by section 501(a) of the Act entitled "An Act to authorize certain construction at military installations, and for other purposes", approved July 27, 1962 (42 U.S.C. 1594a-1(a)).

(c) This section shall apply with respect to any military family housing facility in any State, the District of Columbia, the Commonwealth of Puerto Rico, or Guam.

Applicability.

(d) The provisions of subsection (a) (2) shall not be implemented until—

Test program.

(1) the Secretary of Defense conducts a test program to determine the feasibility of assessing occupants of military family housing charges for excess energy consumption;

(2) the Secretary of Defense provides the written results of such test program, together with proposed regulations implementing this section, to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives; and

Results and regulations, submittal to congressional committees.

(3) a period of 90 days expires following the date on which the results referred to in clause (2) have been submitted to such committees.

APPROPRIATIONS LIMITATIONS

SEC. 508. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing and homeowners assistance as authorized by law for the following purposes:

(1) For construction of, or acquisition of sole interest in, family housing, including demolition, authorized improvements to public quarters, minor construction, relocation of family housing, rental guarantee payments, and planning, an amount not to exceed \$65,200,000.

(2) For support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m), an amount not to exceed \$1,441,440,000.

(3) For homeowners assistance under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), including acquisition of properties, an amount not to exceed \$3,000,000.

(4) For procurement and installation of energy consumption measuring devices, an amount not to exceed \$70,000,000.

TITLE VI—GENERAL PROVISIONS

WAIVER OF RESTRICTIONS

SEC. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

APPROPRIATIONS LIMITATIONS

SEC. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V, shall not exceed—

- (1) for title I: inside the United States, \$780,598,000; outside the United States, \$280,701,000; or a total of \$1,061,299,000;
- (2) for title II: inside the United States, \$427,943,000; outside the United States \$25,711,000; or a total of \$453,654,000;
- (3) for title III: inside the United States, \$273,307,000; outside the United States, \$147,942,000; or a total of \$421,249,000;
- (4) for title IV: a total of \$55,909,000; and
- (5) for title V: military family housing, a total of \$1,579,640,000.

COST VARIATIONS

SEC. 603. (a) Except as provided in subsections (b) and (c), any of the amounts specified in titles I, II, III, and IV of this Act may, at the discretion of the Secretary of the military department or Director of the defense agency concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress.

(b) When the amount authorized for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of the military department or Director of the defense agency concerned determines that such amount must be increased by more than the applicable percentage prescribed in subsection (a), he may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount authorized for such project.

(c) When the Secretary of Defense determines that any amount authorized in title I, II, III, or IV of this Act must be exceeded by more than the percentages permitted in subsections (a) and (b) to accomplish authorized construction or acquisition, the Secretary of the military department or Director of the defense agency concerned may proceed with such construction or acquisition after a written report of the facts relating to the increase of such amount, including a statement of the reasons for such increase, has been submitted to the Committees on Armed Services of the Senate and House of Representatives, and either (1) thirty days have elapsed from date of submission of such report, or (2) both committees have indicated approval of such construction or acquisition. Notwithstanding the provisions in prior Military Construction Authorization Acts, the provisions of this subsection shall apply to such prior Acts.

(d) Notwithstanding the foregoing provisions of this section, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(e) No individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation for which the current working estimate is \$400,000 or more may be placed under contract if—

Report to
congressional
committees.

Applicability.

Cost limitation.

(1) the approved scope of the project is reduced in excess of 25 per centum; or

(2) the current working estimate, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until a written report of the facts relating to the reduced scope or increased cost of such project, including a statement of the reasons for such reduction in scope or increase in cost, has been submitted to the Committees on Armed Services of the Senate and House of Representatives, and either thirty days have elapsed from date of submission of such report or both committees have indicated approval of such reduction in scope or increase in cost, as the case may be.

Report to congressional committees.

(f) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced by more than 25 per centum in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

Annual report to Congress.

CONSTRUCTION SUPERVISION

SEC. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious, and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected together with the design, construction supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder. Such reports shall also show, in the case of the ten architect-engineering firms which, in terms of total dollars, were awarded the most business, the names of such firms, the total number of separate contracts awarded each such

Contracts.

Annual report to Congress.

10 USC 2301 *et seq.*
Annual report to Congress.

firm, and the total amount paid or to be paid in the case of each such action under all such contracts awarded such firm.

REPEAL OF PRIOR AUTHORIZATIONS; EXCEPTIONS

Effective date.

SEC. 605. (a) Effective October 1, 1978, all authorizations for military public works, including family housing, to be accomplished by the Secretary of a military department in connection with the establishment or development of installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Military Construction Authorization Act, 1977 (Public Law 94-431; 90 Stat. 1349), and all such authorizations contained in Acts approved before September 30, 1976, and not superseded or otherwise modified by later authorizing legislation are repealed except—

Exceptions.

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions; and

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisition, or payments to the North Atlantic Treaty Organization, in whole or in part, before October 1, 1978, and authorizations for appropriations therefor.

(b) Notwithstanding the provisions of subsection (a) of this section and section 605(a) of the Military Construction Authorization Act, 1977 (Public Law 94-431; 90 Stat. 1363), authorizations for the following items shall remain in effect until January 1, 1980:

(1) Aeromedical research building construction in the amount of \$9,139,000 at Fort Rucker, Alabama, authorized in section 101 of the Military Construction Authorization Act, 1976 (Public Law 94-107; 89 Stat. 546).

(2) Academic Building construction in the amount of \$5,315,000 at Fort Huachuca, Arizona, authorized in section 101 of the Military Construction Authorization Act, 1976 (Public Law 94-107; 89 Stat. 547).

(3) Solar energy plant construction in the amount of \$690,000 at Fort Huachuca, Arizona, authorized in section 101 of the Military Construction Authorization Act, 1976 (Public Law 94-107; 89 Stat. 547).

(4) Relocation of the weapons range from the Culebra Complex in the amount of \$12,000,000 for the Atlantic Fleet Weapons Range, Roosevelt Roads, Puerto Rico, authorized in section 204 of the Military Construction Authorization Act, 1974 (Public Law 93-166; 87 Stat. 668) and extended in section 605(b)(H) of the Military Construction Authorization Act, 1976 (Public Law 94-107; 89 Stat. 565).

(5) Solar observation facilities construction in the amount of \$2,011,000 at various locations worldwide, authorized in section 301 of the Military Construction Authorization Act, 1976 (Public Law 94-107; 89 Stat. 555).

UNIT COST LIMITATIONS

SEC. 606. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction project inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index,

based on the following unit cost limitations where the area construction index is 1.0:

- (1) \$42 per square foot for permanent barracks; or
- (2) \$45 per square foot for bachelor officer quarters;

unless the Secretary of Defense, or his designee, determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable. Notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

INCREASES FOR SOLAR HEATING AND SOLAR COOLING EQUIPMENT

SEC. 607. The Secretary of Defense shall encourage the utilization of solar energy as a source of energy for projects authorized by this Act where utilization of solar energy would be practical and economically feasible. In addition to all other authorized variations of cost limitations or floor area limitations contained in this Act or prior Military Construction Authorization Acts, the Secretary of Defense, or his designee, may permit increases in the cost limitations or floor area limitations by such amounts as may be necessary to equip any project with solar heating equipment, solar cooling equipment, or both solar heating and solar cooling equipment.

MINOR CONSTRUCTION PROJECTS

SEC. 608. (a) Section 2674 of title 10, United States Code, is amended to read as follows:

“§ 2674. Minor construction projects

10 USC 2674.

“(a) Under such regulations as the Secretary of Defense may prescribe, the Secretary of a military department or the Director of a defense agency may acquire, construct, convert, extend, and install, at military installations and facilities, permanent or temporary public works not otherwise authorized by law including the preparation of sites and the furnishing of appurtenances, utilities, and equipment, but excluding the construction of family quarters.

Regulations.

“(b) This section does not authorize a project costing more than \$500,000. A project costing more than \$400,000 must be approved in advance by the Secretary of Defense, and a project costing more than \$300,000 must be approved in advance by the Secretary of the military department or the Director of the defense agency concerned.

Cost limitations.

“(c) The total costs for all projects initiated under authority of this section by any military department, or by the defense agencies, in any fiscal year (except those projects funded from appropriations available for operations and maintenance as provided in subsection (e)) may not exceed the total amount authorized for minor construction projects for such military department or for the defense agencies, as the case may be, in the annual Military Construction Authorization Act for such fiscal year.

“(d) Not more than \$50,000 may be spent under this section during a fiscal year at any one installation or facility to convert structures to family quarters.

“(e) Only funds appropriated to a military department or to the defense agencies for minor construction projects may be used by such department or by such agencies to accomplish minor construction proj-

ects, except that the Secretary of a military department or the Director of a defense agency may spend, from appropriations available for maintenance and operations, amounts necessary for any project costing not more than \$100,000 that is authorized under this section.

Annual report to congressional committees.

“(f) The Secretary of each military department and the Secretary of Defense, for the defense agencies, shall submit an annual detailed report to the Committees on Armed Services and Appropriations of the Senate and House of Representatives on the administration of this section. In addition, such committees shall be notified in writing at least 30 days before any funds are obligated for a project approved under this section costing more than \$300,000.

Notification to congressional committees.

“Project.”

“(g) As used in this section, ‘project’ means a single undertaking which includes all construction work, land acquisition, and installation of equipment necessary to (1) accomplish a specific purpose, and (2) produce a complete and usable facility or a complete and usable improvement to an existing facility.

“(h) The Directors of the defense agencies shall carry out the construction of minor projects under authority of this section by or through a military department designated by the Secretary of Defense as provided in section 2682 of this title.”

(b) The item relating to section 2674 in the analysis at the beginning of chapter 159 of title 10, United States Code, is amended to read as follows:

“2674. Minor construction projects.”

Effective date.
10 USC 2674
note.

(c) The amendments made by this section shall become effective October 1, 1978.

GAS PRICING, BARROW, ALASKA

SEC. 609. The Secretary of the Navy shall, with respect to any natural gas supplied by the Department of the Navy to villages and facilities at or near Point Barrow, Alaska, during the period beginning on October 1, 1974, and ending on April 6, 1976, charge such villages and facilities for such gas at a rate equal to the rate charged for natural gas supplied to such villages and facilities by the Department of the Navy pursuant to section 104(e) of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6504(e)), after April 6, 1976.

USE OF PROCEEDS FROM TIMBER SALES

SEC. 610. Section 2665(d) of title 10, United States Code, is amended to read as follows:

“(d) Appropriations of the Department of Defense available for operation and maintenance during a fiscal year may be reimbursed for all expenses of production of lumber and timber products pursuant to this section from amounts received as proceeds from the sale of any such property during such fiscal year.”

REVISION IN NUMBER OF NAVAL DISTRICTS

Repeal.
10 USC 5221,
5222.

SEC. 611. (a) Chapter 516 of title 10, United States Code, is repealed.

(b) The tables of chapters at the beginning of subtitle C, and at the beginning of part I of subtitle C, of title 10, United States Code, are each amended by striking out the item relating to chapter 516.

BASE CLOSURES AND REALIGNMENTS

SEC. 612. (a) Chapter 159 of title 10, United States Code, as amended by section 504 of this Act, is amended by adding at the end thereof a new section as follows:

“§ 2687. Base closures and realignments

10 USC 2687.

“(a) Notwithstanding any other provision of law, no action may be taken to effect or implement—

“(1) the closure of any military installation;

“(2) any realignment with respect to any military installation involving a reduction by more than one thousand, or by more than 50 percent, in the number of civilian personnel authorized to be employed at such military installation at the time the Secretary of Defense or the Secretary of the military department concerned notifies the Congress under subsection (b)(1) that such installation is a candidate for closure or realignment; or

“(3) any construction, conversion, or rehabilitation at any military facility other than a military installation referred to in clause (1) or (2) (regardless of whether such facility is a military installation as defined in subsection (d)) which will or may be required as a result of the relocation of civilian personnel to such facility by reason of any closure or realignment to which clause (1) or (2) applies,

unless and until the provisions of subsection (b) are complied with.

“(b) No action described in subsection (a) with respect to the closure of, or a realignment with respect to, any military installation may be taken unless and until—

“(1) the Secretary of Defense or the Secretary of the military department concerned publicly announces, and notifies the Committees on Armed Services of the Senate and the House of Representatives in writing, that such military installation is a candidate for closure or realignment;

Public notice.
Notification to congressional committees.

“(2) the Secretary of Defense or the Secretary of the military department concerned complies with the requirements of the National Environmental Policy Act of 1969 with respect to the proposed closure or realignment;

42 USC 4321
note.

“(3) the Secretary of Defense or the Secretary of the military department concerned submits to the Committees on Armed Services of the Senate and House of Representatives his final decision to carry out the proposed closure or realignment and a detailed justification for such decision, including statements of the estimated fiscal, local economic, budgetary, environmental, strategic, and operational consequences of the proposed closure or realignment; and

Decision,
submission to congressional committees.

“(4) a period of sixty days expires following the date on which the justification referred to in clause (3) has been submitted to such committees, during which period no irrevocable action may be taken to effect or implement the decision.

“(c) This section shall not apply to the closure of a military installation, or a realignment with respect to a military installation, if the President certifies to the Congress that such closure or realignment must be implemented for reasons of national security or a military emergency.

Certification to Congress.

“(d) As used in this section:

“(1) ‘Military installation’ means any camp, post, station, base, yard, or other facility under the authority of the Department of Defense—

Definitions.

“(A) which is located within any of the several States,

the District of Columbia, the Commonwealth of Puerto Rico, or Guam; and

“(B) at which not less than five hundred civilian personnel are authorized to be employed.

Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

“(2) ‘Civilian personnel’ means direct-hire permanent civilian employees of the Department of Defense.

“(3) ‘Realignment’ includes any action which both reduces and relocates functions and civilian personnel positions, but does not include a reduction in force resulting from workload adjustments, reduced personnel or funding levels, skill imbalances, or other similar causes.

Applicability.

“(e) Except as provided in subsection (c), this section shall apply to any closure of a military installation, and any realignment with respect to a military installation, which is first publicly announced after September 30, 1977.”

(b) The table of sections at the beginning of chapter 159 of such title is amended by adding at the end thereof a new item as follows: “2687. Base closures and realignments.”.

(c) Section 611 of the Military Construction Authorization Act, 1966 (Public Law 89-188; 10 U.S.C. 2662 note), and section 612 of the Military Construction Authorization Act, 1977 (Public Law 94-431; 90 Stat. 1366), shall be inapplicable in the case of any closure of a military installation, and any realignment with respect to a military installation, which is first publicly announced after September 30, 1977.

AUTHORITY FOR LONG TERM CONTRACT REFUSE-DERIVED FUEL

SEC. 613. The Secretary of a military department may enter into contracts for periods not to exceed ten years for the purchase of fuel derived from waste materials (commonly known as refuse-derived fuel (RDF)). Such contracts may provide for the collection and disposal of solid waste from Department of Defense installations and for the delivery to Department of Defense installations of refuse-derived fuel which, by weight, exceeds that installation's generation of solid waste. Funds for such contracts shall be provided from annual appropriations for operation and maintenance.

Funds.

USE OF COMMISSARY SURCHARGE FUNDS FOR THE CONSTRUCTION OF COMMISSARIES OVERSEAS

SEC. 614. Section 2685(b) of title 10, United States Code, is amended by striking out “within the United States”.

LAND CONVEYANCE, LOS ANGELES, CALIFORNIA

SEC. 615. The Secretary of the Navy is authorized to convey to the City of Los Angeles, California, subject to such terms and conditions as the Secretary shall deem to be in the public interest, all right, title, and interest of the United States in and to a parcel of land consisting of approximately thirty-five acres, with improvements thereon, located in the City of Los Angeles, north of and separated from Reeves Field by Seaside Avenue, in exchange for the conveyance by the City of Los Angeles to the United States of the unencumbered fee title to approximately thirty-five acres of land adjacent to the western boundary of the Naval Support Activity, Long Beach, California, to be

improved in a manner acceptable to the Secretary, and subject to such other conditions as the Secretary shall deem to be in the public interest. The exact acreages and legal descriptions of both properties are to be determined by accurate surveys as mutually agreed upon by the Secretary and the City of Los Angeles.

LAND CONVEYANCE, SAN DIEGO, CALIFORNIA

SEC. 616. The Secretary of the Navy is authorized to convey to the City of San Diego, California, all right, title, and interest of the United States in land at the Naval Regional Medical Center, San Diego, in exchange for a lease of not to exceed fifty years, with an option to renew such lease for twenty-five years, for an identical number of acres for hospital and related uses.

LAND CONVEYANCE, NEW HAMPSHIRE

SEC. 617. (a) (1) The Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Manchester Airport Authority, of Manchester, New Hampshire, subject to such terms and conditions as the Secretary considers appropriate, all right, title, and interest of the United States in and to a portion of land adjacent to the Manchester Municipal Airport consisting of approximately 8.3 acres, together with any improvements thereon.

(2) In consideration for the conveyance by the Secretary under paragraph (1), the Manchester Airport Authority shall convey to the United States unencumbered fee title to an area of land which the Secretary considers to be of equivalent value to the land conveyed by the Secretary under paragraph (1) and which is otherwise acceptable to the Secretary.

(b) The exact acreages and legal descriptions of the lands to be conveyed under subsection (a) shall be determined by surveys as mutually agreed upon by the Secretary and the Manchester Airport Authority.

(c) The Secretary is authorized to accept the lands conveyed to the United States under subsection (a) (2), which lands shall be administered by the Secretary.

LAND CONVEYANCE, COLORADO

SEC. 618. The Secretary of the Air Force is authorized to acquire, by exchange with the City of Colorado Springs, Colorado, all right, title and interest of such city in approximately one hundred sixty seven acres of land lying adjacent to the northerly boundary of Peterson Air Force Base, El Paso County, Colorado. As consideration for this exchange, the Secretary of the Air Force is authorized to convey to the City of Colorado Springs land and improvements on Ent Air Force Base, in the City of Colorado Springs, equal in monetary value to the land to be acquired. The exact acreages and legal descriptions of both such properties are to be determined by accurate surveys as mutually agreed upon by the Secretary and the City of Colorado Springs.

LAND CONVEYANCE, SAN FRANCISCO, CALIFORNIA

SEC. 619. (a) The first section of the Act entitled "An Act authorizing the Secretary of the Army to convey certain lands to the city and county of San Francisco", approved October 13, 1949 (63 Stat. 844), is amended by inserting "or jointly for public park and recrea-

Instructions,
deeds, etc.

tional uses and other public purposes," after "recreational purposes,".

(b) The Secretary of the Army shall issue such written instructions, deeds, or other instruments as may be necessary to bring the conveyance made to the city and county of San Francisco, California, under authority of such Act of October 13, 1949, into conformity with the amendment made by subsection (a) of this section.

TITLE VII—GUARD AND RESERVE FACILITIES

AUTHORIZATION FOR FACILITIES

10 USC 2231 *et*
seq.

SEC. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Guard and Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) for the Department of the Army—

(A) for the Army National Guard of the United States, \$44,377,000; and

(B) for the Army Reserve, \$41,390,000;

(2) for the Department of the Navy, for the Naval and Marine Corps Reserves, \$19,800,000; and

(3) for the Department of the Air Force—

(A) for the Air National Guard of the United States, \$37,300,000; and

(B) for the Air Force Reserve, \$10,100,000.

WAIVER OF CERTAIN RESTRICTIONS

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Approved August 1, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-290 accompanying H.R. 6990 (Comm. on Armed Services) and 95-494 (Comm. of Conference).

SENATE REPORT No. 95-125 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 13, considered and passed Senate.

June 6, considered and passed House, amended, in lieu of H.R. 6990.

July 19, House agreed to conference report.

July 20, Senate agreed to conference report.

Public Law 95-83
95th Congress

An Act

To amend the Public Health Service Act to extend through the fiscal year ending September 30, 1978, the assistance programs for health services research; health statistics; comprehensive public health services; hypertension programs; migrant health; community health centers; medical libraries; cancer control programs; the National Cancer Institute; heart, blood vessel, lung, and blood disease prevention and control programs; the National Heart, Lung, and Blood Institute; National Research Service Awards; population research and voluntary family planning programs; sudden infant death syndrome; hemophilia; national health planning and development; and health resources development; to amend the Community Mental Health Centers Act to extend it through the fiscal year ending September 30, 1978; to extend the assistance programs for home health services; and for other purposes.

Aug. 1, 1977

[H.R. 4975]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—HEALTH PLANNING AND HEALTH SERVICES
RESEARCH AND STATISTICS EXTENSION

SEC. 101. This title may be cited as the “Health Planning and Health Services Research and Statistics Extension Act of 1977”.

SEC. 102. (a) Section 1516(c)(1) of the Public Health Service Act (relating to authorizations for planning grants) is amended by striking out “for the fiscal year ending June 30, 1977” and inserting in lieu thereof “each for the fiscal years ending September 30, 1977, and September 30, 1978”.

(b) Section 1525(c) of such Act (relating to authorizations for State health planning and development agencies) is amended by striking out “for the fiscal year ending June 30, 1977” and inserting in lieu thereof “each for the fiscal years ending September 30, 1977, and September 30, 1978”.

(c) Section 1526(e) of such Act (relating to authorizations for grants for rate regulation) is amended by striking out “for the fiscal year ending June 30, 1977” and inserting in lieu thereof “each for the fiscal years ending September 30, 1977, and September 30, 1978”.

(d) Section 1534(d) of such Act (relating to authorizations for centers for health planning) is amended by striking out “for the fiscal year ending June 30, 1977” and inserting in lieu thereof “each for the fiscal years ending September 30, 1977, and September 30, 1978”.

SEC. 103. (a) Section 1613 of the Public Health Service Act (relating to authorizations for construction) is amended by striking out “for the fiscal year ending June 30, 1977” and inserting in lieu thereof “each for the fiscal years ending September 30, 1977, and September 30, 1978”.

(b) Section 1625(d) of such Act (relating to funds for project grants) is amended by adding at the end the following new sentence: “In addition to the amounts made available for such grants under the preceding sentence for the fiscal year ending September 30, 1978, there are authorized to be appropriated \$67,500,000 for such fiscal year for such grants.”

(c) Section 1640(d) of such Act (relating to authorizations for area health services development) is amended by striking out “for the fiscal year ending June 30, 1977” and inserting in lieu thereof “each for

Health services
programs.
Extension.
Health Planning
and Health
Services
Research and
Statistics
Extension Act of
1977.

42 USC 201 note.
42 USC 300l-5.

42 USC 300m-4.

42 USC 300m-5.

42 USC 300n-3.

42 USC 300p-3.

42 USC 300r.

42 USC 300t.

- the fiscal years ending September 30, 1977, and September 30, 1978".
- 42 USC 242m. Sec. 104. (a) Section 308(i)(1) of the Public Health Service Act (relating to authorizations for the National Center for Health Services Research) is amended (1) by striking out "and" after "1975," and (2) by inserting after "1976" the following: ", and \$28,600,000 for the fiscal year ending September 30, 1978".
- (b) Section 308(i)(2) of such Act (relating to authorizations for the National Center for Health Statistics) is amended (1) by striking out "and" after "1975," and (2) by inserting after "1976" the following: ", and \$33,600,000 for the fiscal year ending September 30, 1978".
- Payments to States.
42 USC 1396b. Sec. 105. (a) (1) Section 1903(m)(2)(A) of the Social Security Act is amended to read as follows:
- "(2)(A) Except as provided in subparagraphs (B) and (C), no payment shall be made under this title to a State with respect to expenditures incurred by it for payment (determined under a prepaid capitation basis or under any other risk basis) for services provided by any entity which is responsible for the provision of inpatient hospital services and any other service described in paragraph (2), (3), (4), (5), or (7) of section 1905(a) or for the provision of any three or more of the services described in such paragraphs unless—
- "(i) the Secretary (or the State as authorized by paragraph (3)) has determined that the entity is a health maintenance organization as defined in paragraph (1); and
- "(ii) less than one-half of the membership of the entity consists of individuals who (I) are insured for benefits under part B of title XVIII or for benefits under both parts A and B of such title, or (II) are eligible to receive benefits under this title."
- (2) Section 1903(m)(2)(C) of such Act is amended by striking out "(A)(iii)" each place it occurs and inserting in lieu thereof "(A)(ii)".
- (3) The amendments made by paragraphs (1) and (2) shall apply with respect to payments under title XIX of the Social Security Act to States for services provided—
- (A) after October 8, 1976, under contracts under such title entered into or renegotiated after such date, or
- (B) after the expiration of the one-year period beginning on such date,
- whichever occurs first.
- 42 USC 300e-8. (b) Section 1309(a) of the Public Health Service Act is amended by striking out "September 30, 1977" the second time it occurs and inserting in lieu thereof "September 30, 1979".
- 42 USC 300k-3. Sec. 106. (a) The fourth sentence of section 1503(b)(1) of the Public Health Service Act is amended by inserting "established" before "under section 1524".
- 42 USC 300l. (b) The first sentence of section 1511(a) of such Act is amended by striking out "There" and inserting in lieu thereof "Except as provided in section 1536, there".
- 42 USC 300l-1. (c) Section 1512(b)(3)(B)(i) of such Act is amended by striking out "subsections (e), (f), and (g)" and inserting in lieu thereof "subsections (e), (f), (g), and (h)".
- (d) Section 1512(c) of such Act is amended by striking out "agencies' health" and inserting in lieu thereof "agency's health".
- 42 USC 300l-2. (e) The first sentence of section 1513(a) of such Act is amended by striking out "the provision" and inserting in lieu thereof "provision".
- (f) The last sentence of section 1513(a) of such Act is amended by striking out "(g)" and inserting in lieu thereof "(h)".

Applicability.
42 USC 1396b
note.
42 USC 1396.

(g) The margin of the last sentence of paragraph (1) of section 1513(b) of such Act is indented to align with the margin of paragraph (2) of such section. 42 USC 300l-2.

(h) Section 1513(b)(2)(C) of such Act is amended by striking out “is consistent” and inserting in lieu thereof “are consistent”.

(i) Section 1513(d) of such Act is amended by striking out “system” each place it occurs and inserting in lieu thereof “systems”.

(j) Section 1514 of such Act is amended by inserting “public or” before “nonprofit private”. 42 USC 300l-3.

(k) Section 1515(d) of such Act is amended by striking out “health services area” and inserting in lieu thereof “health service area”. 42 USC 300l-4.

(l) Section 1521(a) of such Act is amended by striking out “other than” and all that follows in such section and inserting in lieu thereof a period. 42 USC 300m.

(m) Section 1521(d) of such Act is amended by striking out “Policy, Planning,” and inserting in lieu thereof “Planning”.

(n) Section 1523(c) of such Act is amended by striking out “(6), or (7)” and inserting in lieu thereof “or (6)”. 42 USC 300m-2.

(o) Section 1526(a) of such Act is amended by inserting “grants” after “may make”. 42 USC 300m-5.

(p) Section 1536(a) of such Act is amended by striking out “Trust Territories in the Pacific Islands” and inserting in lieu thereof “Trust Territory of the Pacific Islands, the Northern Mariana Islands”. 42 USC 300n-5.

(q) Section 1536(b)(4) of such Act is amended (1) by striking out “office” and inserting in lieu thereof “officer”, and (2) by striking out “the regulation” and inserting in lieu thereof “regulations”.

(r) Section 1602(5) of such Act is amended by striking out “1503” and inserting in lieu thereof “1603”. 42 USC 300o-1.

(s) The second sentence of section 1602 of such Act is amended by striking out “supports” and inserting in lieu thereof “support”.

(t) Section 1603(a)(4), 1603(a)(5), 1603(a)(6), 1604(b)(1)(C), 1604(b)(2)(A) and 1604(c)(2)(B)(i) of such Act are each amended by striking out “1602(a)” and inserting in lieu thereof “1602”. 42 USC 300o-2, 300o-3.

(u) Section 1603(a)(6) of such Act is amended by striking out “(4)” and inserting in lieu thereof “(5)”.

(v) Section 1603(a)(7) of such Act is amended by striking out “standards” and inserting in lieu thereof “requirements”.

(w) Section 1610(a) of such Act is amended by striking out “1513” and inserting in lieu thereof “1613”. 42 USC 300p.

(x)(1) Subsections (a) and (b)(1) of section 1620 of such Act are each amended by striking out “September 30, 1977” and inserting in lieu thereof “September 30, 1978”. 42 USC 300q.

(2) Section 1622(e)(2) of such Act is amended by striking out “and June 30, 1977” and inserting in lieu thereof “September 30, 1977, and September 30, 1978”. 42 USC 300q-2.

(y) Section 1622(e) of such Act is amended by adding after paragraph (4) the following new paragraph:

“(5) If any loan to a public entity under this part is sold and guaranteed by the Secretary under this subsection, interest paid on such loan after its sale and any interest subsidy paid, under paragraph (3)(A)(ii), by the Secretary with respect to such loan which is received by the purchaser of the loan (or the purchaser’s successor in interest) shall be included in the gross income of the purchaser or successor for the purpose of chapter 1 of the Internal Revenue Code of 1954.”.

- 42 USC 300s-3. (z) Section 1633(14) of such Act is amended by striking out "title XIV" and inserting in lieu thereof "title XV".
- 42 USC 201. SEC. 107. Section 2(f) of the Public Health Service Act (relating to the definition of the term State) is amended (1) by striking out "and" after "Islands," and (2) by adding before the period the following: ", American Samoa, and the Trust Territory of the Pacific Islands".

Biomedical
Research
Extension Act of
1977.
42 USC 201 note.
42 USC 280b.

TITLE II—BIOMEDICAL RESEARCH EXTENSION

SEC. 201 This title may be cited as the Biomedical Research Extension Act of 1977".

SEC. 202. Section 390(c) of the Public Health Service Act (relating to authorizations for medical libraries) is amended (1) by striking out "and" after "1975," and (2) by inserting after "1976" the following: ", and \$14,600,000 for the fiscal year ending September 30, 1978".

SEC. 203. (a) (1) Section 409 of the Public Health Service Act (relating to authorizations for cancer control programs) is amended (A) by striking out "and" after "1976," and (B) by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1977, and \$84,560,000 for the fiscal year ending September 30, 1978".

(2) Section 410C of such Act (relating to authorizations for programs of the National Cancer Institute) is amended (A) by striking out "and" after "1976," and (B) by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1977; and \$923,590,000 for the fiscal year ending September 30, 1978".

(b) (1) The second sentence of section 408(b) of such Act (relating to national cancer research and demonstration centers) is amended by striking out "; but support under this subsection (other than support for construction) shall not exceed \$5,000,000 per year per center." and inserting in lieu thereof a period and the following: "The aggregate of payments (other than payments for construction) made to any center in support of such an agreement for its costs (other than indirect costs) described in the first sentence may not exceed \$5,000,000 in any fiscal year, except that if in any fiscal year there is an increase, as reflected in the Consumer Price Index published by the Bureau of Labor Statistics, in the costs of a center for which payments may be made under such an agreement, the aggregate of payments in such year for such center may exceed \$5,000,000 to include such increase and any such increase in any preceding fiscal year for which payments were made to such center under such an agreement to the extent that such increase resulted in payments in excess of \$5,000,000. As used in this section, the term 'construction' does not include the acquisition of land, and the term 'training' does not include research training for which fellowship support may be provided under section 472."

(2) Section 410B(a) (1) of such Act (relating to the National Cancer Advisory Board) is amended (A) by inserting "Policy" after "Technology", and (B) by striking out "(or his designee)" and inserting in lieu thereof "(or their designees)".

(3) Section 410(a) (1) of such Act (relating to the authority of the Director of the National Cancer Institute) is amended by striking out "one hundred" and inserting in lieu thereof "one hundred and fifty-one".

SEC. 204. (a) (1) Section 414(b) of the Public Health Service Act (relating to authorizations for heart, blood vessel, lung, and blood disease prevention and treatment programs) is amended (A) by strik-

42 USC 286c.

42 USC 286g.

42 USC 286b.

42 USC 286f.

42 USC 286d.

42 USC 287c.

ing out “and” after “1976,” and (B) by striking out “fiscal year 1977” and inserting in lieu thereof “the fiscal year ending September 30, 1977, and \$30,000,000 for the fiscal year ending September 30, 1978”.

(2) Section 419B of such Act (relating to authorizations for the National Heart, Lung, and Blood Institute) is amended (A) by striking out “and” after “1976,” and (B) by striking out “for fiscal year 1977” and inserting in lieu thereof the following: “for the fiscal year ending September 30, 1977, and \$426,320,000 for the fiscal year ending September 30, 1978”.

42 USC 287i.

(b) (1) Section 415(a) (1) of such Act (relating to national research and demonstration centers) is amended—

National research
and
demonstration
centers.
42 USC 287d.

(A) by striking out “diseases and for research in the use of blood and blood products and in the management of blood resources;” in subparagraph (A) and inserting in lieu thereof “and blood vessel diseases,” and

(B) by striking out “, blood vessel diseases, research in the use of blood products, and research” in subparagraph (C) and inserting in lieu thereof “diseases and research into blood, in the use of blood products and”.

(2) The third sentence of section 415(b) of such Act (relating to national research and demonstration centers) is amended by striking out “in any year” and all that follows in such sentence and inserting in lieu thereof the following: “in any fiscal year, except that if in any fiscal year there is an increase, as reflected in the Consumer Price Index published by the Bureau of Labor Statistics, in the costs of a center for which payments may be made under such an agreement, the aggregate of payments in such year for such center may exceed \$5,000,000 to include such increase and any such increase in any preceding fiscal year for which payments were made to such center under such an agreement to the extent that such increase resulted in payments in excess of \$5,000,000.”.

(3) Section 417(a) (1) of such Act (relating to the National Heart, Lung, and Blood Advisory Council) is amended by striking out “National Science Foundation” and inserting in lieu thereof “Office of Science and Technology Policy”.

42 USC 287f.

(4) Section 419A(a) of such Act (relating to administration) is amended by striking out “made pursuant to section 414”.

42 USC 287h.

SEC. 205. Section 472(d) of the Public Health Service Act (relating to National Research Service Awards) is amended (1) by striking out “and” after “1976,” and (2) by striking out “for fiscal year 1977” and inserting in lieu thereof the following: “for the fiscal year ending September 30, 1977, and \$161,390,000 for the fiscal year ending September 30, 1978”.

42 USC 289j-1.

TITLE III—HEALTH SERVICES EXTENSION

SEC. 301. This title may be cited as the “Health Services Extension Act of 1977”.

Health Services
Extension Act of
1977.
42 USC 201 note.

SEC. 302. (a) Section 314(d) (7) (A) of the Public Health Service Act (relating to authorizations for formula grants to States for comprehensive public health services) is amended (1) by striking out “and” after “1976,” and (2) by striking out “for fiscal year 1977” and inserting in lieu thereof the following: “for the fiscal year ending September 30, 1977, and \$106,750,000 for the fiscal year ending September 30, 1978”.

42 USC 246.

42 USC 246.

(b) Section 314(d) (7) (B) of such Act (relating to authorizations for grants for hypertension programs) is amended (1) by striking out “and” after “1976,” and (2) by striking out “for fiscal year 1977” and inserting in lieu thereof the following: “for the fiscal year ending September 30, 1977, and \$12,680,000 for the fiscal year ending September 30, 1978”.

42 USC 247d.

SEC. 303. (a) (1) Section 319(h) (1) of the Public Health Service Act (relating to authorizations for planning and development of migrant health centers) is amended (A) by striking out “and” after “1976,” and (B) by striking out “for fiscal year 1977” and inserting in lieu thereof the following: “for the fiscal year ending September 30, 1977, and \$2,950,000 for the fiscal year ending September 30, 1978”.

(2) The second sentence of section 319 (h) (1) of such Act is amended by striking out “the next fiscal year” and inserting in lieu thereof “each of the next two fiscal years”.

(b) (1) The first sentence of section 319 (h) (2) of such Act (relating to authorizations for operation of migrant health centers) is amended (A) by striking out “and” after “1976,” and (B) by striking out “for fiscal year 1977” and inserting in lieu thereof the following: “for the fiscal year ending September 30, 1977, and \$32,080,000 for the fiscal year ending September 30, 1978”.

(2) The third sentence of section 319 (h) (2) of such Act is amended by striking out “fiscal year 1977” and inserting in lieu thereof “fiscal years ending September 30, 1977, and September 30, 1978”.

(c) Section 319 (h) (3) of such Act (relating to authorizations for inpatient and outpatient hospital services) is amended (1) by striking out “and” after “1976,” and (2) by striking out “for fiscal year 1977” and inserting in lieu thereof the following: “for the fiscal year ending September 30, 1977, and \$4,230,000 for the fiscal year ending September 30, 1978”.

42 USC 254c.

SEC. 304 (a) (1) Section 330 (g) (1) of the Public Health Service Act (relating to authorizations for planning and development of community health centers) is amended (A) by striking out “and” after “1976,” and (B) by striking out “for fiscal year 1977” and inserting in lieu thereof the following: “for the fiscal year ending September 30, 1977, and \$5,880,000 for the fiscal year ending September 30, 1978”.

(2) Section 330 (g) (2) of such Act (relating to authorizations for operation of community health centers) is amended (A) by striking out “and” after “1976,” and (B) by striking out “for fiscal year 1977” and inserting in lieu thereof the following: “for the fiscal year ending September 30, 1977, and \$256,840,000 for the fiscal year ending September 30, 1978”.

Medically
underserved
population.

(b) (1) Section 330 (b) (3) of such Act (relating to the definition of medically underserved population) is amended by adding at the end thereof the following: “In designating urban and rural areas for purposes of this paragraph, the Secretary shall take into account unusual local conditions which are a barrier to access to or the availability of personal health services.”.

(2) The first sentence of section 330 (e) (1) of such Act is amended by striking out “subsection (e)” and inserting in lieu thereof “subsection (c)”.

42 USC 300.

SEC. 305. (a) Section 1001 (c) of the Public Health Service Act (relating to authorizations for family planning projects) is amended (1) by striking out “and” after “1976;”, and (2) by striking out “for fiscal year 1977” and inserting in lieu thereof the following: “for the

fiscal year ending September 30, 1977; and \$136,400,000 for the fiscal year ending September 30, 1978".

(b) Section 1003(b) of such Act (relating to authorizations for training) is amended (1) by striking out "and" after "1976;," and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977; and \$3,000,000 for the fiscal year ending September 30, 1978". 42 USC 300a-1.

(c) (1) Section 1004(b) (1) of such Act (relating to authorizations for research) is amended (A) by striking out "and" after "1976;," and (B) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and \$68,500,000 for the fiscal year ending September 30, 1978". 42 USC 300a-2.

(2) Section 1004(b) (2) of such Act (relating to limitation on source of funds) is amended by adding immediately before the period the following: "or for the administration of this section".

(d) Section 1005(b) of such Act (relating to authorizations for informational and educational materials) is amended (1) by striking out "and" after "1976;," and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977; and \$600,000 for the fiscal year ending September 30, 1978". 42 USC 300a-3.

SEC. 306. (a) Section 1121(b) (5) of the Public Health Service Act (relating to authorizations for sudden infant death syndrome programs) is amended (1) by striking out "and" after "1976;," and (2) by striking out "fiscal year ending 1977" and inserting in lieu thereof the following: "ending September 30, 1977, and \$3,650,000 for the fiscal year ending September 30, 1978". 42 USC 300c-11.

(b) Section 1131(f) of such Act (relating to authorizations for hemophilia programs) is amended (1) by striking out "and" after "1976;," and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and \$4,550,000 for the fiscal year ending September 30, 1978". 42 USC 300c-21.

(c) Section 1132(e) of such Act (relating to authorizations for blood separation centers) is amended (1) by striking out "and" after "1976;," and (2) by striking out "for fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1977, and \$3,450,000 for the fiscal year ending September 30, 1978". 42 USC 300c-22.

SEC. 307. (a) (1) The first sentence of section 708(a) of the Public Health Service Act (relating to health professions data) is amended (A) by inserting "program" after "health professions personnel which", and (B) by striking out "United States and its territories and possessions" and inserting in lieu thereof "States". Health professions data. 42 USC 292h.

(2) Section 708(e) (1) (C) of such Act is amended by inserting "use" after "personal data which".

(b) Section 721(f) of such Act (relating to regional health professions programs) is amended by striking out "subsection (a)" in paragraphs (1) and (2) and inserting in lieu thereof "subsection (a) of section 720". 42 USC 293a.

(c) (1) Section 731(a) (2) (B) of such Act (relating to loan repayment period) is amended by striking out "after the date on which the student completes his internship or residency training, and not later than the earlier of 12 months after such date or of 3 years after the date he ceases" and inserting in lieu thereof "nor later than 12 months after the date on which the student ceases to be a participant in an accredited internship or residency program or (if he was not a participant in such a program) ceases". 42 USC 294d.

42 USC 294d.

(2) Section 731(a)(2)(C)(i) of such Act (relating to termination of loans) is amended by inserting "(or at an institution defined by section 435(b) of the Higher Education Act of 1965)" after "eligible institution".

Certificates of insurance.

42 USC 294e.

(3) The first sentence of section 732(a)(2) of such Act (relating to effective date of certificates of insurance) is amended by striking out "was made" and inserting in lieu thereof "is made to a student described in section 731(a)(1)".

(4) Section 732(d) of such Act (relating to certificates of insurance) is amended to read as follows:

"(d) The rights of an eligible lender arising under insurance evidenced by a certificate of insurance issued to it under this section may be assigned by such lender, subject to regulation by the Secretary, only to (1) another eligible lender, or (2) the Student Loan Marketing Association."

Responsibilities.

42 USC 294h.

(5) (A) The first sentence of section 735(c)(2) of such Act (relating to responsibilities) is amended (i) by striking out "specified in the agreement" and inserting in lieu thereof "specified in the contract", and (ii) by striking out all that follows "in an amount" and inserting in lieu thereof "determined in accordance with the formula

$$A = 3\phi \left(\frac{t-s}{t} \right)$$

in which 'A' is the amount the United States is entitled to recover; 'φ' is the sum of the amounts paid by the Secretary under the contract to or on behalf of the individual and the interest on such amounts which would be payable if at the time the amounts were paid they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States; 't' is the total number of months in the individual's period of obligated service; and 's' is the number of months of such period served by him in accordance with the contract."

Waivers and suspensions.

(B) Section 735(c)(4) of such Act (relating to waivers and suspensions) is amended (i) by inserting "any obligation of service or" after "suspension of", and (ii) by striking out "the agreement which was breached" and inserting in lieu thereof "the contract".

Eligible institutions.

42 USC 294j.

(6) Section 737(1) of such Act (relating to definition of eligible institution) is amended by striking out "that is receiving, or the Secretary determines is eligible to receive, a grant under section 770 for such fiscal year" and inserting in lieu thereof "that received a grant, or the Secretary determines met the requirements for receipt of a grant, under section 770 for the preceding fiscal year."

Effective date.

42 USC 294d

note.

Effective date.

42 USC 294i.

(7) The amendments made by this subsection shall take effect October 1, 1977.

(d) Effective October 1, 1977, section 736 of such Act (relating to participation of Federal credit unions) is amended by striking out "Director of the Bureau of Federal Credit Unions" and inserting in lieu thereof "Administrator of the National Credit Union Administration".

Loan forgiveness.

42 USC 294n.

(e) (1) Section 741(f)(1)(B) of such Act (relating to loan forgiveness) is amended (A) by inserting "(i)" after "who", and (B) by inserting before the semicolon the following: ", or (ii) obtained, under a written loan agreement entered into before October 12, 1976, any other educational loan for his costs at a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, or podiatry".

(2) Section 741(f)(2) of such Act (relating to payments) is

amended by inserting after subparagraph (C) the following: "No payment may be made under this paragraph with respect to a loan described in paragraph (1) (B) (ii) unless the person on whose behalf the payment is to be made has submitted to the Secretary a certified copy of the agreement under which such loan was made. In any year the amount of payments that may be made under this paragraph with respect to such a loan may not exceed \$10,000 and the total amount of payments that may be made under this paragraph with respect to such a loan may not exceed \$50,000."

Certified copy of agreement, submittal to HEW.

(3) The amendments made by this subsection shall be effective as of October 12, 1976.

Effective date.
42 USC 294n

(f) Effective October 1, 1977, sections 748(b)(2) and 749(b)(2) of such Act (relating to traineeships) are each amended by inserting "tuition and fees and" before "such stipends".

note.
Effective dates.
42 USC 294r,
294s.

(g) The first sentence of section 754(c) of such Act (relating to breach of scholarship contract) is amended by striking out "is the sum of the amount" and all that follows down through "was a loan" and inserting in lieu thereof "is the sum of the amounts paid under this subpart to or on behalf of the individual and the interest on such amounts which would be payable if at the time the amounts were paid they were loans".

Scholarships.
42 USC 294w.

(h) Effective October 1, 1977, section 758(a) of such Act (relating to scholarships for first-year students of exceptional financial need) is amended by striking out "in the school year ending in the fiscal year in which such grant is made".

42 USC 294z.

(i) (1) Effective October 1, 1977, the first sentence of section 771(b)(2)(C) of such Act (relating to residencies in primary care) is amended by striking out "training program of such school in primary care" the second time it occurs and inserting in lieu thereof "training program of any school in primary care".

42 USC 295f-1.

(2) Effective October 1, 1977, section 771(b)(2)(E) of such Act (relating to termination of affiliation with medical residency training programs) is amended by striking out "in the fiscal year".

(3) Effective October 1, 1977, section 771(b)(3)(A) of such Act (relating to eligibility for capitation grants) is amended by striking out "immediately before" and inserting "in".

(4) Effective October 1, 1977, section 771(b)(3)(B) of such Act (relating to the enrollment of students of foreign schools of medicine in schools of medicine in the United States) is amended to read as follows:

Certain U.S.
medical students.

"(B) No later than August 15, 1977, and August 15 of each of the next two years, the Secretary shall identify the citizens of the United States who—

"(i) were—

"(I) before October 12, 1976, students in a school of medicine not in a State, or

"(II) enrolled in programs of institutions of higher education (other than schools of osteopathy or schools of medicine of more than two years) which programs were in existence in the States before such date and which prepare students to enter the third year of schools of medicine in the States; and

"(ii) by the date of the identification made under this subparagraph—

"(I) in the case of a student described in clause (i) (I), successfully completed at least two years in a school of medi-

cine not in a State, and, in the case of a student described in clause (i) (II), successfully completed a program described in such clause, and

“(II) successfully completed part I of the National Board of Medical Examiners’ examination (or any successor to such examination).”

Apportionment. The Secretary shall equitably apportion a number of positions among the schools of medicine in the States adequate to fill the needs of students identified in accordance with the preceding sentence.”

Effective date. (j) Effective October 1, 1977, section 781(d)(2)(C) of such Act (relating to residency program requirement) is amended by striking out “or general internal medicine” and inserting in lieu thereof “, general internal medicine, or general pediatrics”.

42 USC 295g-9. (k) Paragraph (1) of section 789(a) of such Act (relating to training in emergency medical services) is amended by striking out “and to assist in meeting the cost” and all that follows in such paragraph and inserting in lieu thereof the following: “, to assist in meeting the cost of training (including the cost of establishing programs for the training) of physicians in emergency medicine, especially training which affords clinical experience in providing medical services in emergency medical services systems receiving assistance under title XII of this Act, and to provide financial assistance (in the form of traineeships and fellowships) to residents who plan to specialize or work in the practice of emergency medicine.”

42 USC 300d. (l) Effective October 1, 1977, section 796(a)(4) of such Act (relating to project grants and contracts) is amended by striking out “of methods” and inserting in lieu thereof “or improvement of programs”.

Effective date. (m) Effective October 1, 1977, section 796(c) of such Act (relating to eligibility for allied health special project grants and contracts) is amended (1) by striking out “or” at the end of paragraph (2), (2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof “; or”, and (3) by adding after paragraph (3) the following new paragraph:

“(4) other public or nonprofit private entities capable, as determined by the Secretary, of carrying out projects described in subsection (a).”

Effective date. (n) (1) Effective October 1, 1977, subpart IV of part C of title VII of such Act (relating to National Health Service Corps Scholarships) is amended by adding at the end thereof the following new section:

“INDIAN HEALTH SCHOLARSHIP PROGRAM

42 USC 294y-1. “SEC. 757. (a) In addition to the sums authorized to be appropriated under section 756(a) to carry out the Scholarship Program, there are authorized to be appropriated \$5,450,000 for the fiscal year ending September 30, 1978, \$6,300,000 for the fiscal year ending September 30, 1979, \$7,200,000 for the fiscal year ending September 30, 1980, and for each of the succeeding four fiscal years such sums as may be specifically authorized by an Act enacted after the date of enactment of this section, to provide scholarships under the Scholarship Program to provide physicians, osteopaths, dentists, veterinarians, nurses, optometrists, podiatrists, pharmacists, public health personnel, and allied health professionals to provide services to Indians. Such scholarships shall be designated ‘Indian Health Scholarships’ and shall be made in accordance with this subpart, except as provided in subsection (b).”

“(b) (1) The Secretary, acting through the Indian Health Service, shall determine the individuals who shall receive the Indian Health Scholarships, shall accord priority to applicants who are Indians, and shall determine the distribution of the scholarships on the basis of the relative needs of Indians for additional services by specific health professions.

“(2) The active duty service obligation prescribed in the written contract entered into under this subpart shall be met by the recipient of an Indian Health Scholarship by service in the Indian Health Service, in a program assisted under title V of the Indian Health Care Improvement Act, or in the private practice of his profession if, as determined by the Secretary in accordance with guidelines promulgated by him, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

“(c) For purposes of this section, the term ‘Indians’ has the same meaning given that term by subsection (c) of section 4 of the Indian Health Care Improvement Act and includes individuals described in clauses (1) through (4) of that subsection.”

(2) Section 105(a) of the Indian Health Care Improvement Act is amended by striking out “pursuant to section 104” and inserting in lieu thereof “pursuant to section 757 of the Public Health Service Act”.

(o) (1) The second sentence of section 810(a) of the Public Health Service Act (relating to computation of capitation grants for nursing schools) is amended by inserting “for each fiscal year” after “shall be computed”.

(2) Paragraphs (1), (2), and (3) of such section 810(a) are each amended by striking out “such year” each place it occurs and inserting in lieu thereof “such fiscal year”.

(3) (A) Section 810(c)(1)(A) of such Act (relating to requirements for nursing school capitation grants) is amended by striking out “beginning after” and inserting in lieu thereof “beginning in”.

(B) Sections 810(c)(2)(A) and 810(c)(2)(B) of such Act (relating to requirements for nursing school capitation grants) are each amended by striking out “beginning after the close of” and inserting in lieu thereof “beginning in”.

(4) Section 810(c)(1)(B) of such Act is amended by striking out “fiscal” each place it occurs and inserting in lieu thereof “school”.

(5) (A) Section 822 of such Act (relating to nurse practitioner programs) is amended by—

(i) inserting after “contracts for programs” in the last sentence of subsection (a)(1) the following: “for the training of nurse practitioners who will practice in health manpower shortage areas (designated under section 332) and”;

(ii) redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and inserting after subsection (a) the following:

“(b) (1) The Secretary may make grants to and enter into contracts with schools of nursing, medicine, and public health, public or non-profit private hospitals, and other nonprofit entities to establish and operate traineeship programs to train nurse practitioners who are residents of a health manpower shortage area (designated under section 332).

“(2) Traineeships funded under this subsection shall include 100 percent of the costs of tuition, reasonable living and moving expenses (including stipends), books, fees, and necessary transportation.

25 USC 1651.

“Indians.”

25 USC 1603.

25 USC 1614.

Ante, p. 392.

Nursing schools.

42 USC 296e.

42 USC 296m.

42 USC 256.

Grants and contracts.

- Commitment. “(3) A traineeship funded under this subsection shall not be awarded unless the recipient enters into a commitment with the Secretary to practice as a nurse practitioner in a health manpower shortage area (designated under section 332).”
- 42 USC 256.
42 USC 297. (B) Section 830 of such Act (relating to traineeships) is amended—
 (1) by striking out in subsection (a) (2) “(A) for the training of nurse practitioners who will practice in health manpower shortage areas (designated under section 332), and (B) for traineeship programs”;
 (2) by striking out subsection (b), and
 (3) by redesignating subsection (c) as subsection (b).
- Effective date.
42 USC 296m
note.
42 USC 294t
note. (C) The amendments made by this paragraph shall be effective as of October 12, 1976.
- (p) (1) Section 408(b) (2) of the Health Professions Education Assistance Act of 1976 (Public Law 94-484) (relating to effective date of revision of National Health Service Corps Scholarship Program) is amended—
 (A) by striking out “Except as provided in subparagraph (B)” in subparagraph (A) and inserting in lieu thereof “Except as provided in subparagraphs (B) and (C)”;
 (B) in subparagraph (B) by striking out “for any school year” and all that follows in such subparagraph and inserting in lieu thereof “from appropriations for such Program for any fiscal year ending before October 1, 1977.”; and
 (C) by amending subparagraph (C) to read as follows:
 “(C) If an individual received a scholarship under the Public Health and National Health Service Corps Scholarship Program for any school year beginning before the date of the enactment of this Act, periods of internship or residency served by such individual in a facility of the National Health Service Corps or other facility of the Public Health Service shall be creditable in satisfying such individual’s service obligation incurred under that Program for such scholarship or for any scholarship received under the National Health Service Corps Scholarship Program for any subsequent school year. If an individual received a scholarship under the Public Health and National Health Service Corps Program for the first time from appropriations for such Program for the fiscal year ending September 30, 1977, periods of internship or residency served by such individual in such a facility shall be creditable in satisfying such individual’s service obligation incurred under that Program for such scholarship.”
- Effective date. (2) The amendments made by this subsection shall be effective as of October 12, 1976.
- Aliens. (q) (1) Section 212(a) (32) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended (A) by inserting after “graduates of a medical school” in the first sentence thereof “not accredited by a body or bodies approved for the purpose by the Commissioner of Education (regardless of whether such school of medicine is in the United States”, and (B) by amending the second sentence to read as follows: “The exclusion of aliens under this paragraph shall apply to preference immigrant aliens described in section 203(a) (3) and (6) and to nonpreference immigrant aliens described in section 203(a) (8).”
- 8 USC 1153. (2) (A) Section 212(j) (1) (B) of such Act is amended by inserting after “that the alien” the following: “(i) is a graduate of a school of medicine which is accredited by a body or bodies approved for the

purpose by the Commissioner of Education (regardless of whether such school of medicine is in the United States); or (ii)".

(B) Section 212(j)(1)(C) of such Act is amended by striking out "that upon such completion and return" and all that follows through "in that country" and inserting in lieu thereof "that there is a need in that country for persons with the skills the alien will acquire in such education or training". 8 USC 1182.

(C) Section 212(j)(1)(D) of such Act is amended (i) by striking out "at the request" and inserting in lieu thereof "at the written request", and (ii) by striking out clause (i) and redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(D) Section 212(j)(2)(A) of such Act is amended by striking out "(A) through (D)" and inserting in lieu thereof "(A) and (B)".

(3) Title VI of the Health Professions Educational Assistance Act of 1976 is amended by adding at the end thereof the following new section:

"TECHNICAL AND CONFORMING AMENDMENTS

"SEC. 602. (a) For purposes of section 212(a)(32) and section 212(j)(1) of the Immigration and Nationality Act (8 U.S.C. 1182), an alien who is a graduate of a medical school shall be considered to have passed parts I and II of the National Board of Medical Examiners Examination if the alien—

"(1) was on January 9, 1977, a doctor of medicine fully and permanently licensed to practice medicine in a State,

"(2) held on that date a valid specialty certificate issued by a constituent board of the American Board of Medical Specialties, and

"(3) was on that date practicing medicine in a State.

"(b) For purposes of this section, the term 'State' means a State as defined in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101). "State."

"(c) Section 101(a)(41) of the Immigration and Nationality Act is amended (1) by inserting 'a' after 'graduates of' and (2) by inserting 'other than such aliens who are of national or international renown in the field of medicine' after 'in a foreign state'. 8 USC 1101.

"(d) This section and the amendment made by subsection (c) are effective January 10, 1977, and the amendments made by subsections (b)(4) and (d) of section 601 shall apply only on and after January 10, 1978, notwithstanding subsection (f) of such section." Effective dates. 8 USC 1101 note.

(r) Section 707 of the Public Health Service Act (relating to delegation) is amended (1) by striking out the comma following "review" in paragraph (1), (2) by striking out "the merit of," in paragraph (1), (3) by inserting "(including any application for a continuation of such a grant or contract or for modification of such a contract)" after "program" in paragraph (1), and (4) by striking out "or enter into such a contract" in paragraph (2) and inserting in lieu thereof a comma and the following: "enter into such a contract, continue such a grant or contract, or modify such a contract". 42 USC 292g.

SEC. 308. (a) Section 202(d) of the Community Mental Health Centers Act (relating to authorizations for planning of community mental health center programs) is amended (1) by striking out "and" after "1976," and (2) by striking out "for the fiscal year 1977" and inserting in lieu thereof the following: "for the fiscal year ending Community mental health centers programs, extension. 42 USC 2689a.

September 30, 1977, and \$1,930,000 for the fiscal year ending on September 30, 1978”.

42 USC 2689b. (b) (1) Section 203(d) (1) of such Act (relating to authorizations for initial operation) is amended (A) by striking out “and” after “1976,” and (B) by striking out “for fiscal year 1977” and inserting in lieu thereof the following: “for the fiscal year ending September 30, 1977, and \$38,890,000 for the fiscal year ending September 30, 1978”.

(2) Section 203(d) (2) of such Act (relating to continuation grants) is amended (A) by striking out “1977” and inserting in lieu thereof “1978”, and (B) by striking out “or the next fiscal year” and inserting in lieu thereof “or the next two fiscal years”.

42 USC 2689c. (c) Section 204(c) of such Act (relating to authorizations for consultation and education services) is amended (1) by striking out “and” after “1976,” and (2) by striking out “for fiscal year 1977” and inserting in lieu thereof the following: “for the fiscal year ending September 30, 1977, and \$15,000,000 for the fiscal year ending September 30, 1978”.

42 USC 2689d. (d) Section 205(c) of such Act (relating to authorizations for conversion grants) is amended (1) by striking out “and” after “1976,” and (2) by striking out “for fiscal year 1977” and inserting in lieu thereof the following: “for the fiscal year ending September 30, 1977, and \$23,000,000 for the fiscal year ending September 30, 1978”.

42 USC 2689h. (e) Section 213 of such Act (relating to authorizations for financial distress grants) is amended (1) by striking out “and” after “1976,” and (2) by striking out “for fiscal year 1977” and inserting in lieu thereof the following: “for the fiscal year ending September 30, 1977, and \$13,500,000 for the fiscal year ending September 30, 1978”.

42 USC 2689p. (f) Section 228 of such Act (relating to authorizations for facilities assistance) is amended (1) by striking out “and” after “1976,” and (2) by inserting after “1977,” the following: “and \$2,500,000 for the fiscal year ending September 30, 1978”.

42 USC 2689q. (g) Section 231(d) of such Act (relating to authorizations for rape prevention and control) is amended (1) by striking out “and” after “1976,” and (2) by striking out “for fiscal year 1977” and inserting in lieu thereof the following: “for the fiscal year ending September 30, 1977, and \$7,880,000 for the fiscal year ending September 30, 1978”.

42 USC 2689b. (h) Section 203(e) (1) (A) (i) of such Act (relating to conversion grants) is amended by striking out “two grants” and inserting in lieu thereof “three grants”.

42 USC 2689e. (i) The last sentence of section 206(d) of such Act (relating to general provisions) is amended by striking out “ninetieth” and inserting in lieu thereof “one hundred and twentieth”.

42 USC 701. SEC. 309. (a) Section 501 of the Social Security Act (relating to authorizations for maternal and child health and crippled children’s services) is amended (1) by striking out “and” after “1972,” and (2) by striking out “and each fiscal year thereafter” and inserting in lieu thereof the following: “and for each of the next four fiscal years, and \$399,864,200 for the fiscal year ending September 30, 1978, and for each fiscal year thereafter”.

42 USC 1396b note. (b) Section 249B of the Social Security Amendments of 1972 (relating to compensation under medicaid for nursing home inspectors) is amended by striking out “June 30, 1977” and inserting in lieu thereof “September 30, 1980”.

SEC. 310. (a) Section 602(a)(5) of Public Law 94-63 (relating to authorizations for home health services) is amended by inserting after "1977" the following: ", and \$8,000,000 for the fiscal year ending September 30, 1978,".

Home health
services.
42 USC 1395x
note.

(b) Section 602(b)(4) of such Public Law (relating to authorizations for home health services training) is amended (1) by striking out "and" after "1976," and (2) by inserting after "1977" the following: ", and \$4,000,000 for the fiscal year ending September 30, 1978,".

SEC. 311. (a)(1) Section 303(a) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (relating to State plans) is amended by adding after and below paragraph (16) the following:

State plans.

42 USC 4573.

"Each State plan shall pertain to the twelve-month period of the State fiscal year which commences in the calendar year in which the plan is submitted and shall be submitted not later than July 31 of each calendar year."

(2) Section 303(b) of such Act is amended by adding at the end the following: "A State plan submitted under subsection (a) may also contain provisions relating to drug abuse or mental health. The Secretary, acting through the National Institute on Alcohol Abuse and Alcoholism, shall establish procedures by which the Institute shall review each State plan submitted under subsection (a) and under which it shall complete its review of each such plan not later than September 15 of the calendar year in which the plan is submitted or not later than sixty days after the plan is received by the Institute, whichever is later."

Review
procedures,
establishment.

(3) The second sentence of section 409(e) of the Drug Abuse Office and Treatment Act of 1972 (relating to State plans) is amended by striking out "commencing October 1 of the calendar year" and inserting in lieu thereof "of the State fiscal year which commences in the calendar year".

21 USC 1176.

(b)(1) The first sentence of section 302(a) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (relating to allotments) is amended by striking out "shall be less than \$200,000." and inserting in lieu thereof the following: "shall, except as provided in paragraph (2), be less than the greater of (A) \$200,000, or (B) the amount of such State's allotment for the fiscal year ending June 30, 1976, unless the amount appropriated under section 301 for allotments for the fiscal year ending June 30, 1976, was greater than the amount appropriated for the fiscal year for which the minimum allotment determination is being made, in which case the minimum allotment prescribed by this clause shall be an amount which bears the same ratio to the amount allotted for the fiscal year ending June 30, 1976, as the amount appropriated for the fiscal year for which the minimum allotment determination is being made bears to the amount appropriated for the fiscal year ending June 30, 1976."

42 USC 4572.

(2) Section 302(a) of such Act is further amended by inserting "(1)" after "(a)" and by adding at the end the following:

"(2) If the amount appropriated under section 301 for any fiscal year is less than the amount required to make for such fiscal year the minimum allotment prescribed by paragraph (1) to each State with an approved State plan, the minimum allotment for such fiscal year for a State with an approved State plan shall be an amount which bears the same ratio to the minimum allotment prescribed by paragraph

(1) for such State as the amount appropriated under section 301 for such fiscal year bears to the amount of appropriations required to make the minimum allotment, as so prescribed, to each State with an approved State plan.”.

42 USC 4577. (c) Section 311(c)(2)(B)(i) of such Act (relating to review of applications) is amended by striking out “his” and inserting in lieu thereof “its”.

21 USC 1112. (d) The second sentence of section 202 of the Drug Abuse Office and Treatment Act of 1972 (relating to the Director of the Office of Drug Abuse Policy) is amended by striking out “any other department or agency of the United States” and inserting in lieu thereof “any department or agency of the United States engaged in any drug traffic prevention function (as defined in section 103)”.

42 USC 210. SEC. 312. Section 208(g) of the Public Health Service Act is amended by (1) striking out “fifty” and inserting in lieu thereof “fifty-five”; and (2) inserting after “National Institutes of Health” the following: “and not less than five shall be for the National Institute on Alcohol Abuse and Alcoholism for individuals engaged in research on alcohol abuse and alcoholism”.

42 USC 289k-2 note. SEC. 313. Section 603(b) of Public Law 94-63 is amended by striking out “Not later than 2 years from the date of enactment of this Act” and inserting in lieu thereof “Not later than August 30, 1977”.

Preventive health services, model standards, establishment and report to Congress. 42 USC 242b note. SEC. 314. The Secretary of Health, Education, and Welfare, in cooperation with appropriate professional entities and individuals, shall within two years of the date of the enactment of this section (1) establish model standards with respect to preventive health services in communities, and (2) report such standards to the Congress. Such standards shall be developed to identify populations in need of preventive or protective health services and to maintain community oriented preventive health programs.

International health activities, study. 42 USC 242f note. SEC. 315. (a) (1) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as “Secretary”) shall arrange for the conduct of a study or studies to determine opportunities, if any, for broadened Federal program activities in areas of international health. Such study or studies shall consider biomedical and behavioral research, health services research, health professions education, immunization and public health activities, and other areas that might improve our and other nations’ capacities to prevent, diagnose, control, or cure disease, and to organize and deliver effective and efficient health services.

Reports, submittal to Secretary and congressional committees. (2) An interim report on such study or studies shall be completed no later than October 1, 1977. A final report thereon shall be completed no later than January 1, 1978. Both reports shall be submitted to the Secretary, the Committee on Human Resources of the Senate, and the Committee on Interstate and Foreign Commerce of the House of Representatives.

Arrangement with National Academy of Sciences. (b) (1) The Secretary shall request the National Academy of Sciences (hereinafter in this section referred to as “Academy”) to conduct such study or studies under an arrangement whereby the actual expenses incurred by the Academy directly related to the conduct of such study or studies will be paid by the Secretary. If the Academy is willing to do so, the Secretary shall enter into such an arrangement with the Academy.

(2) If the Academy is unwilling to conduct one or more of such studies under such an arrangement, then the Secretary shall enter into a similar arrangement with other appropriate nonprofit private groups or associations to conduct such study or studies and prepare and submit the reports thereon as provided in subsection (a) (2).

Approved August 1, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-117, No. 95-116 accompanying H.R. 4974, and No. 95-118 accompanying H.R. 4976 (all from Comm. on Interstate and Foreign Commerce) and No. 95-500 (Comm. of Conference).

SENATE REPORTS: No. 95-102 (Comm. on Human Resources) and No. 95-349 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 31, considered and passed House; H.R. 4974 and H.R. 4976 considered and passed House.

May 4, considered and passed Senate, amended.

May 11, House agreed to Senate amendment with an amendment.

July 15, Senate agreed to conference report.

July 20, House agreed to conference report.

Public Law 95-84
95th Congress

An Act

Aug. 2, 1977
[H.R. 4746]

To extend certain authorities of the Secretary of the Interior with respect to water resources research and saline water conversion programs, and for other purposes.

Water research
and conversion.
42 USC 1961
note.
42 USC 1959
note.
42 USC 1961b.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Water Resources Research Act of 1964 (Public Law 88-379; 78 Stat. 330) as amended, and the Saline Water Conversion Act of 1971 (Public Law 92-60; 85 Stat. 162) as amended, are further amended as follows:

(1) Title II, additional water resources research programs, section 200(a) of the Water Resources Research Act, is hereby further amended by adding after "for each of the fiscal years 1972-1976," the words "and for 1978,".

42 USC 1959h.

(2) Section 10(b) of the Saline Water Conversion Act is amended by changing the phrase "during the fiscal years 1973 to 1977, inclusive," to read "during the fiscal years 1973 to 1978, inclusive,".

Appropriation
authorization.
42 USC 1959h
note.
42 USC 1959
note.

(b) There is authorized to be appropriated to carry out the provisions of the Saline Water Conversion Act of 1971 during fiscal year 1978 the sum of \$11,950,000, to remain available until expended as follows:

- (1) Research Expense, \$1,500,000;
- (2) Development Expense, \$7,950,000;
- (3) Test Facility Operation and Maintenance, \$1,500,000;
- (4) Administration and Coordination, \$1,000,000.

Limitation.

(c) Expenditures and obligations under any activity authorized by paragraphs (1), (2), and (3) above may be increased by not more than 10 per centum if any such increase is accompanied by a corresponding decrease in expenditures and obligations in one or more activities set forth in subsection (b) above.

(d) Notwithstanding any provision of the Saline Water Conversion Act of 1971 (85 Stat. 162) or any other provision of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriations Acts.

(e) All other provisions of the above Acts shall remain unchanged by this Act.

Desalting plants.
42 USC 1959i.

SEC. 2. (a) The Secretary of the Interior is authorized and directed to study, design, construct, operate, and maintain desalting plants demonstrating the engineering and economic viability of membrane and phase-change desalting processes at not more than four locations in the United States, including Puerto Rico, Virgin Islands, and Guam: *Provided*, That at least two such plants shall demonstrate desalting of brackish ground water.

Report to
congressional
committees.

(b) Funds appropriated pursuant to the authority provided by this section may not be expended until thirty calendar days (excluding days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) have elapsed following transmittal of a report to the chairman of the Committee on Interior and Insular Affairs of the House of Representatives and the chairman of the Committee on

Environment and Public Works of the United States Senate. Such report shall present information that includes, but is not limited to, the location of the demonstration plant, the characteristics of the water proposed to be desalted, the process to be utilized, the water supply problems confronting the area in which the plant will be located, alternative sources of water and their probable cost, the capacity of the plant, the initial investment cost of the demonstration plant, the annual operating cost of the demonstration plant, the source of energy for the plant and its cost, the means of reject brine disposal and its environmental consequences, and the unit cost of product water, considering the amortization of all components of the demonstration plant and ancillary facilities. Such report shall also be accompanied by a proposed contract between the Secretary and a duly authorized non-Federal public entity, in which such entity shall agree to furnish, at no cost to the United States, necessary water rights, water supplies, rights-of-way, power source interconnections, and brine disposal facilities. Such proposed contract will further provide that the United States will construct the plant described in the report at no cost to the non-Federal public entity and that the United States will provide all costs of operation and maintenance of the plant for a term of at least two but not more than five years, during which access to the plant and its operating data will not be denied to the Secretary or his representatives. The Secretary is authorized to include in the proposed contract a provision for conveying all rights, title, and interest of the Federal Government to the non-Federal public entity, subject only to a future right to re-enter the facility for the purpose of financing at Federal expense modifications for advanced technology and for its operation and maintenance for a successive term under the same conditions as pertain to the original term.

Contract.

(c) There is authorized to be appropriated, to remain available until expended, for the fiscal year ending September 30, 1978, and thereafter the sum of \$40,000,000 to finance the construction of demonstration plants authorized by this section. There are also authorized to be appropriated such additional sums as are necessary to defray operation, maintenance, and energy costs for demonstration plants during the periods of Federal responsibility for such activities, under this section.

Appropriation
authorization.

Approved August 2, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-306 (Comm. on Interior and Insular Affairs) and No. 95-497 (Comm. of Conference).

SENATE REPORT No. 95-187 accompanying S. 846 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 17, considered and passed House.

May 25, considered and passed Senate, amended, in lieu of S. 846.

July 20, House and Senate agreed to conference report.

Public Law 95-85
95th Congress

An Act

Aug. 2, 1977
[H.R. 7557]

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1978, and for other purposes.

Department of
Transportation
and Related
Agencies
Appropriation
Act, 1978.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1978, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Transportation, including not to exceed \$27,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine, \$33,400,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, \$25,000,000.

LIMITATION ON WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed \$39,847,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriation Acts to the Department of Transportation together with advances and reimbursements received by the Department of Transportation.

COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed twelve passenger motor vehicles, for replacement only; and recreation and welfare; \$878,865,000 of which \$205,977 shall be applied to Capehart Housing debt reduction: *Provided*, That the number of aircraft on hand at any one time shall not exceed one hundred and seventy-nine

exclusive of planes and parts stored to meet future attrition: *Provided further*, That amounts equal to the obligated balances against the appropriations for "Operating expenses" for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; \$236,000,000, to remain available until September 30, 1980.

ALTERATION OF BRIDGES

For necessary expenses for alteration of obstructive bridges; \$15,100,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans; \$155,401,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; \$36,560,000: *Provided*, That amounts equal to the obligated balances against the appropriations for "Reserve training" for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for basic and applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$20,000,000, to remain available until expended.

STATE BOATING SAFETY ASSISTANCE

For financial assistance for State boating safety programs in accordance with the provisions of the Federal Boat Safety Act of 1971, as amended (46 U.S.C. 1451 et seq.), \$5,790,000, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

49 USC 1701
note.

49 USC 1714.

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development and for establishment of air navigation facilities, and carrying out the provisions of the Airport and Airway Development Act; purchase of four passenger motor vehicles for replacement only and purchase and repair of skis and snowshoes: \$1,802,700,000, of which \$275,000,000 shall be derived from the Airport and Airway Trust Fund, for the purposes of subsection (e) of section 14 of the Airport and Airway Development Act of 1970, as amended, and subject to the conditions of that subsection, together with \$5,600,000 to be derived by transfer from the appropriations for "Civil supersonic aircraft development termination" and "Civil supersonic aircraft development": *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities.

FACILITIES, ENGINEERING AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for and for acquisition and modernization of facilities and equipment and service testing in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant and purchase of one aircraft for replacement only, \$14,263,000, to remain available until expended; and, in addition, not to exceed \$2,350,000 from unobligated balances in the appropriations for "Civil supersonic aircraft development" and "Civil supersonic aircraft development termination" may be transferred to this account for necessary expenses to conduct a study of high altitude pollution: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for engineering and development.

FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for; for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities, including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Avi-

ation Administration stationed at remote localities where such accommodations are not available; \$200,000,000, to be derived from the Airport and Airway Trust Fund, together with \$9,000,000 to be derived by transfer from the appropriation "Facilities and Equipment (Airport and Airway Trust Fund), 1975", to remain available until September 30, 1980: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That no part of the foregoing appropriation shall be available for the construction of a new wind tunnel, or to purchase any land for or in connection with the National Aviation Facilities Experimental Center, or to decommission in excess of five flight service stations.

RESEARCH, ENGINEERING AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided, for research, engineering and development in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant; \$80,800,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering and development.

GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for airport development under authority contained in section 14 of Public Law 91-258, as amended, to be derived from the Airport and Airway Trust Fund and to remain available until expended, \$325,000,000; for airport planning grants \$14,000,000; and to State standards grants, \$1,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended.

49 USC 1714.

OPERATION AND MAINTENANCE, METROPOLITAN WASHINGTON AIRPORTS

For expenses incident to the care, operation, maintenance, improvement, and protection of the federally owned civil airports in the vicinity of the District of Columbia, including purchase of ten passenger motor vehicles for police or ambulance type use, for replacement only; and purchase of two motor bikes for replacement only; purchase, cleaning, and repair of uniforms; and arms and ammunition; \$21,273,000.

CONSTRUCTION, METROPOLITAN WASHINGTON AIRPORTS

For necessary expenses for construction at the federally owned civil airports in the vicinity of the District of Columbia, \$5,500,000, to remain available until September 30, 1980.

AVIATION WAR RISK INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958, as amended (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for aviation war risk insurance activities under said Act.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, and research of the Federal Highway Administration not to exceed \$159,725,000 shall be paid, in accordance with law, from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed \$34,000,000 of the amount provided herein shall remain available until expended.

MOTOR CARRIER SAFETY

For necessary expenses to carry out motor carrier safety functions of the Secretary, as authorized by the Department of Transportation Act (80 Stat. 939-40), \$8,000,000: *Provided*, That not to exceed \$630,000 of the amount appropriated herein shall remain available until expended and not to exceed \$987,000 shall be available for "Limitation on general operating expenses".

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out provisions of title 23, United States Code, to be derived from the Highway Trust Fund, \$9,000,000, to remain available until expended.

HIGHWAY BEAUTIFICATION

90 Stat. 427.

For necessary expenses to carry out the provisions of title 23, United States Code, sections 131 and 136, and the Federal-Aid Highway Act of 1976, section 105(a)(11), \$19,150,000 to remain available until expended, together with \$5,000,000 for payment of obligations incurred in carrying out the provisions of title 23, United States Code, sections 131, 136, and 319(b), to remain available until expended.

HIGHWAY-RELATED SAFETY GRANTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (TRUST FUND)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, administered by the Federal Highway Administration, to remain available until expended, \$20,000,000 to be derived from the Highway Trust Fund: *Provided*, That not to exceed \$633,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses".

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses in carrying out the provisions of 23 U.S.C. 322, to remain available until expended; \$100,000: *Provided*, That the Secretary may waive the provisions of 23 U.S.C. 322 (c) and (d) if he determines such action would serve a public purpose; and for necessary expenses of railroad-highway crossings demonstration projects, as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, and title III of the National Mass Transportation Assistance Act of 1974, to remain available until expended, \$5,000,000, of which \$3,333,333 shall be derived from the Highway Trust Fund.

23 USC 130 note.
49 USC 1605
note.

HIGHLAND SCENIC HIGHWAY STUDY

For necessary expenses to perform a study on the "Highland Scenic Highway", to remain available until expended, \$1,500,000, to be derived from the "Highway Trust Fund", to be transferred to the Forest Service, Department of Agriculture.

OFF-SYSTEM RAILWAY-HIGHWAY CROSSINGS

For necessary expenses for the elimination of hazards of railway-highway crossings on roads other than those on any Federal-aid system in accordance with the provisions of section 203 of the Highway Safety Act of 1976, to remain available until September 30, 1981; \$75,000,000.

90 Stat. 452.

TERRITORIAL HIGHWAYS

For necessary expenses in carrying out the provisions of title 23, United States Code, sections 152, 153, 215, and 402, \$5,600,000, to remain available until expended, together with \$290,000 for payment of obligations incurred in carrying out the provision of title 23, United States Code, sections 215, 402, and 405, to remain available until expended: *Provided*, That \$14,464,000 of contract authority made available or authorized for the Territorial highways program is hereby rescinded.

Contract
authority,
rescission.

OFF-SYSTEM ROADS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of section 122 of Public Law 93-643; \$45,000,000, to remain available until expended: *Provided*, That not to exceed \$3,090,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses".

23 USC 219.

SAFER OFF-SYSTEM ROADS

For necessary expenses to carry out the provisions of 23 U.S.C. 219; \$90,000,000, to remain available until September 30, 1981.

NATIONAL SCENIC AND RECREATIONAL HIGHWAY (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 148, to remain available until expended, \$10,000,000, of which \$7,300,000 shall be derived from the Highway Trust Fund.

ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LAKES

For necessary expenses not otherwise provided, to carry out the provisions of 23 U.S.C. 155, \$8,650,000, to remain available until September 30, 1980.

FEDERAL-AID HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)
(TRUST FUND)

For carrying out the provisions of title 23, United States Code, which are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$5,850,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND (LIQUIDATION OF CONTRACT
AUTHORIZATION) (TRUST FUND)

23 USC 108 note. For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 108(c), as authorized by section 7(c) of the Federal-Aid Highway Act of 1968, to remain available until expended, \$20,000,000, to be derived from the Highway Trust Fund at such times and in such amounts as may be necessary to meet current withdrawals.

HIGHWAYS CROSSING FEDERAL PROJECTS

For necessary expenses in carrying out the provisions of 23 U.S.C. 156, \$20,000,000, to remain available until September 30, 1980.

OVERSEAS HIGHWAY

88 Stat. 2288. For necessary expenses for construction of the Overseas Highway in accordance with the provisions of section 118, Federal-Aid Highway Amendments of 1974, to remain available until expended, \$17,000,000 to be derived from the Highway Trust Fund, together with \$8,000,000 to be allocated from amounts available for obligation as authorized by section 105(c)(2) of the Federal-Aid Highway Act of 1976.

90 Stat. 427.

PROJECT ACCELERATION DEMONSTRATION PROGRAM

23 USC 124 note. For necessary expenses to enable the Secretary to conduct a demonstration project authorized by section 141 of the Federal-Aid Highway Act of 1976, \$5,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

TRAFFIC CONTROL SIGNALIZATION DEMONSTRATION PROJECTS

23 USC 135 note. For necessary expenses to carry out the provisions of section 146 of the Federal-Aid Highway Act of 1976, \$20,000,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1981.

INTERMODAL URBAN DEMONSTRATION PROJECT

88 Stat. 2290. For necessary expenses to carry out the provisions of section 124 of the Federal-Aid Highway Amendments of 1974; \$2,250,000, to be derived from the Highway Trust Fund and to remain available until September 30, 1981.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

TRAFFIC AND HIGHWAY SAFETY

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety and functions under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended), \$78,388,000, of which \$26,220,000 shall be derived from the Highway Trust Fund: *Provided*, That not to exceed \$33,927,000 shall remain available until expended, of which \$7,841,000 shall be derived from the Highway Trust Fund.

15 USC 1901
note.

STATE AND COMMUNITY HIGHWAY SAFETY (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402 and 406, to remain available until expended, \$112,000,000, to be derived from the Highway Trust Fund, and for necessary expenses in carrying out the provisions of 23 U.S.C. 402 and 406, \$1,140,000, to remain available until expended.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$6,950,000.

RAILROAD SAFETY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in connection with railroad safety, not otherwise provided for, \$19,100,000, of which \$5,000,000 shall remain available until expended: *Provided*, That the unobligated balances from "Grants-in-aid for railroad safety" shall be transferred to this appropriation.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$53,600,000, to remain available until expended: *Provided*, That there may be credited to this appropriation, funds received from State and local governments, other public authorities, private sources and foreign countries for expenses incurred for engineering, testing and development.

RAIL SERVICE ASSISTANCE

For necessary expenses for rail service assistance authorized by section 803 of Public Law 94-210, section 402 of Public Law 93-236, as amended, and for necessary administrative expenses in connection with Federal rail assistance programs not otherwise provided for, \$74,000,000, together with \$3,500,000 for the programs authorized by

90 Stat. 130.
45 USC 762.

49 USC 1657a.
90 Stat. 149. section 11(c) (6) and (7) of the Department of Transportation Act, as amended, and \$4,000,000 for the Minority Business Resource Center, as authorized by section 906 of Public Law 94-210, to remain available until expended.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

45 USC 851. For necessary expenses related to Northeast Corridor improvements authorized by title VII of Public Law 94-210, \$400,000,000, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

45 USC 851. To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, \$646,500,000, to remain available until expended, of which not more than \$488,500,000 shall be available for operating losses incurred by the Corporation, including payment of additional operating expenses of the Corporation, resulting from the operation, maintenance, and ownership or control of the Northeast Corridor pursuant to title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, not more than \$108,000,000 shall be available for capital improvements, not more than \$25,000,000 shall be available for the fiscal year 1978 purchase payments for the Northeast Corridor, and not more than \$25,000,000 shall be available for the retirement of loan guarantees made pursuant to 45 U.S.C. 602: *Provided*, That none of the funds herein appropriated shall be used for the lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the President, of the National Railroad Passenger Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status.

THE ALASKA RAILROAD

ALASKA RAILROAD REVOLVING FUND

63 Stat. 954.
5 USC 5332 note. The Alaska Railroad Revolving Fund shall continue available until expended for the work authorized by law, including operation and maintenance of oceangoing or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for transportation of freight, passengers, or mail, when deemed necessary for the benefit and development of industries or travel in the area served; and payment of compensation and expenses as authorized by 5 U.S.C. 8146, to be reimbursed as therein provided: *Provided*, That no employee shall be paid an annual salary out of said fund in excess of the salaries prescribed by the Classification Act of 1949, as amended, for grade GS-15, except the general manager of said railroad, one assistant general manager at not to exceed the salaries prescribed by said Act for GS-17, and five officers at not to exceed the salaries prescribed by said Act for grade GS-16.

PAYMENTS TO THE ALASKA RAILROAD REVOLVING FUND

For payment to the Alaska Railroad Revolving Fund for capital replacements, improvements, and maintenance, \$3,000,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

The Secretary of Transportation is hereby authorized to expend proceeds from the sale of Fund anticipation notes to the Secretary of the Treasury and any other monies deposited in the Railroad Rehabilitation and Improvement Fund pursuant to sections 502, 505-507 and 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, for the uses authorized for the Fund, in amounts not to exceed \$200,000,000. The Secretary of Transportation is also authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such time as may be necessary to pay any amounts required pursuant to the guarantee not to exceed \$600,000,000 principal amount of obligations under sections 511 through 513 of such act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That the aggregate principal amount of guarantees and commitments to guarantee obligations under section 511 of Public Law 94-210, as amended, shall not exceed \$600,000,000.

45 USC 822,
825-827, 829.

45 USC 832.

45 USC
831-833.

URBAN MASS TRANSPORTATION ADMINISTRATION

URBAN MASS TRANSPORTATION FUND

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the urban mass transportation program authorized by the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq., as amended by Public Law 91-453 and Public Law 93-503); the Federal-Aid Highway Act of 1973 (Public Law 93-87) and the Federal-Aid Highway Act of 1976 (Public Law 94-280) in connection with the activities, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicle; and services as authorized by 5 U.S.C. 3109; \$20,000,000.

49 USC 1601a
note.
49 USC 1601b
note.
23 USC 101 note.
23 USC 101 note.RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS AND UNIVERSITY
RESEARCH AND TRAINING

For an additional amount for the urban mass transportation program, as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended; \$70,000,000: *Provided*, That \$67,500,000 shall be available for research, development, and demonstrations, \$2,000,000 shall be available for university research and training and not to exceed \$500,000 shall be available for managerial training as authorized under the authority of the said Act.

LIQUIDATION OF CONTRACT AUTHORIZATION

For payment to the urban mass transportation fund, for liquidation of contractual obligations incurred under authority of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq., as amended by Public Law 91-453 and Public Law 93-503) and 23 U.S.C. 142(c) and of obligations incurred for projects substituted for Interstate System segments withdrawn prior to enactment of the Federal-Aid Highway Act of 1976; \$1,756,000,000, to remain available until expended:

Provided, That none of these funds shall be made available for the establishment of depreciation reserves or reserves for replacement accounts: *Provided further*, That amounts for highway projects substituted for Interstate System segments shall be transferred to the Federal Highway Administration.

RAIL SERVICE OPERATING PAYMENTS

49 USC 1601
note.
45 USC 801 note.

For an additional payment to the Urban Mass Transportation Fund there is hereby appropriated to remain available until expended, for the purposes of the Urban Mass Transportation Act of 1964, as amended by Public Law 94-210, \$45,000,000.

PROJECTS SUBSTITUTED FOR INTERSTATE SYSTEM PROJECTS

Funds, transfer.

For necessary expenses to carry out the provisions of 23 U.S.C. 103 (e) (4), to remain available until expended, \$439,000,000: *Provided*, That amounts for highway projects substituted for Interstate System segments shall be transferred to the Federal Highway Administration.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

31 USC 849.

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for Corporation except as hereinafter provided.

LIMITATION ON ADMINISTRATIVE EXPENSES, SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Not to exceed \$1,114,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed \$3,000 for official entertainment expenses to be expended upon the approval or authority of the Secretary of Transportation: *Provided*, That Corporation funds shall be available for the hire of passenger motor vehicles and aircraft, operation and maintenance of aircraft, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 5901-5902), and \$15,000 for services as authorized by 5 U.S.C. 3109.

MATERIALS TRANSPORTATION BUREAU

MATERIALS TRANSPORTATION PROGRAM

For expenses necessary to discharge the functions of the Materials Transportation Bureau, \$8,100,000 of which not to exceed \$900,000 shall remain available until expended for expenses for conducting research and development; of which not to exceed \$2,400,000 shall remain available until expended for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the National Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674).

TITLE II**RELATED AGENCIES****NATIONAL TRANSPORTATION SAFETY BOARD****SALARIES AND EXPENSES**

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), \$14,710,000, of which not to exceed \$300 shall be used for official reception and representation expenses.

5 USC 5332 note.

CIVIL AERONAUTICS BOARD**SALARIES AND EXPENSES**

For necessary expenses of the Civil Aeronautics Board, including hire of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); and not to exceed \$1,000 for official reception and representation expenses, \$23,367,000.

PAYMENTS TO AIR CARRIERS

For payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376), as is payable by the Board, \$72,510,000, to remain available until expended.

INTERSTATE COMMERCE COMMISSION**SALARIES AND EXPENSES**

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, \$60,525,000, of which \$150,000 shall be available for valuation of pipelines and \$800,000 shall be available for necessary expenses of the Office of Rail Public Counsel: *Provided*, That Joint Board members and cooperating state commissioners may use Government transportation requests when traveling in connection with their official duties as such.

49 USC 305a.

THE PANAMA CANAL**CANAL ZONE GOVERNMENT****OPERATING EXPENSES**

For operating expenses necessary for the Canal Zone Government, including operation of the Postal Service of the Canal Zone; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); expenses incident to conducting hearings on the Isthmus; expenses of special training of employees of the Canal Zone Government as authorized by 5 U.S.C. 4101-4118, contingencies of the Governor, residence for the Governor; medical

aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable; and maintaining and altering facilities of other Government agencies in the Canal Zone for Canal Zone Government use, \$70,500,000.

CAPITAL OUTLAY

For acquisition of land and land under water and acquisition, construction, and replacement of improvements, facilities, structures, and equipment, as authorized by law (2 C.Z. Code, sec. 2; 2 C.Z. Code, sec. 371), including the purchase of not to exceed nineteen passenger motor vehicles for replacement only; improving facilities of other Government agencies in the Canal Zone for Canal Zone Government use; and expenses incident to the retirement of such assets; \$2,130,000, to remain available until expended.

PANAMA CANAL COMPANY

CORPORATION

The Panama Canal Company is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to it and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation, including maintaining and improving facilities of other Government agencies in the Canal Zone for Panama Canal Company use.

LIMITATION ON GENERAL AND ADMINISTRATIVE EXPENSES

Not to exceed \$26,231,000 of the funds available to the Panama Canal Company shall be available for obligation during the current fiscal year for general and administrative expenses of the Company, including operation of tourist vessels and guide services. Funds available to the Panama Canal Company for obligation shall be available for the purchase of not to exceed twenty-five passenger motor vehicles, including one medium sedan, for replacement only, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

INVESTMENT IN FUND ANTICIPATION NOTES

45 USC 829. For the acquisition, in accordance with section 509 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, of fund anticipation notes, \$200,000,000.

UNITED STATES RAILWAY ASSOCIATION

ADMINISTRATION EXPENSES

45 USC 701 note. For necessary administrative expenses to enable the United States Railway Association to carry out its functions under the Regional Rail Reorganization Act of 1973, as amended, \$10,000,000.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

FEDERAL CONTRIBUTION

To enable the Department of Transportation to pay the Washington Metropolitan Area Transit Authority, as part of the Federal contribution toward expenses necessary for the design and construction of facilities for the handicapped as authorized by Public Law 93-87, including acquisition of rights-of-way, land, and interest therein, \$2,700,000, to remain available until expended. 23 USC 101 note.

INTEREST PAYMENTS

To enable the Department of Transportation to pay the Washington Metropolitan Area Transit Authority costs of debt service assistance and the interest subsidy authorized by Public Law 92-349, \$60,900,000, to remain available until expended: *Provided*, That \$12,243,000 of such amount shall become available upon the date of enactment of this Act: *Provided further*, That the Secretary of Transportation shall execute an agreement with the Authority whereby the Authority agrees to (1) issue no additional bonds under title I of Public Law 92-349, (2) provide a minimum of 20 percent of the Authority's unreimbursed debt service costs under title I of Public Law 92-349, and (3) develop and execute a plan, with the participating local governments, that will provide for the Authority to be financially responsible for the remaining capital and operating costs of the rail transit system in a manner consistent with the Urban Mass Transportation Act of 1964, as amended, the Federal-Aid Highway Act of 1973, as amended, and the terms and conditions the Secretary may require. D.C. Code 1-1441 note. D.C. Code 1-1446 note. D.C. Code 1-1441. 49 USC 1601 note. 23 USC 101 note.

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

SALARIES AND EXPENSES

For necessary expenses to enable the National Transportation Policy Study Commission to carry out its functions under section 154 of the Federal-Aid Highway Act of 1976, \$2,000,000, to remain available until expended. 23 USC 101 note.

TITLE III

GENERAL PROVISIONS

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official departmental business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. None of the funds provided in this Act shall be available for the planning or execution of programs the commitments for which are in excess of \$540,000,000 in fiscal year 1978 for "Grants-in-aid for airports" under 49 U.S.C. 1714 (a) and (b). Airport grants.

Highway safety
funds.

SEC. 303. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$28,000,000 in fiscal year 1978 for "Highway-related safety grants".

SEC. 304. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$172,000,000 in fiscal year 1978 for "State and Community Highway Safety".

49 USC 1601
note.

SEC. 305. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for the Urban Mass Transportation Act of 1964, as amended, aggregating more than \$2,365,000,000 in fiscal year 1978.

SEC. 306. None of the funds provided under this Act shall be available for administrative expenses in connection with obligations against contract authority for interstate substitutions under 23 U.S.C. 103(e) (4) aggregating more than \$350,000,000 in fiscal year 1978.

Everglades
National Park,
Fla.
Ecology study.

SEC. 307. None of the funds provided under this Act shall be available for the planning or execution of programs for any further construction of the Miami jetport or of any other air facility in the State of Florida lying south of the Okeechobee Waterway and in the drainage basins contributing water to the Everglades National Park until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation that such an airport will not have an adverse environmental effect on the ecology of the Everglades and until any site selected on the basis of such study is approved by the Department of the Interior and the Department of Transportation: *Provided*, That nothing in this section shall affect the availability of such funds to carry out this study.

Canal Zone,
consultants.

SEC. 308. The Governor of the Canal Zone is authorized to employ services as authorized by 5 U.S.C. 3109, in an amount not exceeding \$150,000.

Canal Zone
Government, pay
increases.

SEC. 309. Funds appropriated for operating expenses of the Canal Zone Government may be apportioned notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

FAA and Coast
Guard personnel,
dependents'
school expenses.
20 USC 241 note.

SEC. 310. Funds appropriated under this Act for expenditure by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents and (2) for transportation of said dependents between schools serving the area which they attend and their places of residence when the Secretary, under such regulations as he may prescribe, determines that such schools are not accessible by public means of transportation on a regular basis.

Sec. 311. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

Sec. 312. None of the funds in this Act shall be available for the implementation or execution of a program in the Department of Transportation to collect fees, charges or prices for approvals, tests, authorizations, certificates, permits, registrations, and ratings which are in excess of the levels in effect on January 1, 1973, or which did not exist as of January 1, 1973, until such program is reviewed and approved by the appropriate committees of the Congress.

Sec. 313. None of the funds provided in this Act for liquidation of contractual obligations under the Urban Mass Transportation Act of 1964, as amended, shall be made available for liquidation of obligations entered into under section 5 of that Act, to support mass transit facilities, equipment or operating expenses unless the applicant for such assistance has given satisfactory assurances in such manner and form as the Secretary may require, and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged elderly and handicapped persons during nonpeak hours shall not exceed one-half of the rates generally applicable to other persons at peak hours: *Provided*, That the Secretary, in prescribing the terms and conditions for the provision of such assistance shall (1) permit applicants to continue the use of preferential fare systems for elderly or handicapped persons where those systems were in effect on or prior to November 26, 1974, (2) allow applicants a reasonable time to expand the coverage of operating preferential fare systems as appropriate, and (3) allow applicants to define the eligibility of "handicapped persons" for the purposes of preferential fares in conformity with other Federal laws and regulations governing eligibility for benefits for disabled persons.

Sec. 314. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 315. None of the funds provided under or included in this Act shall be available for the planning or execution of programs, the obligations for which are in excess of \$7,445,000,000 for "Federal-Aid Highways" in fiscal year 1978: *Provided*, That this limitation shall not apply to obligations for emergency relief authorized by 23 U.S.C. 125: *Provided further*, That this limitation shall not become effective if subsequent legislation containing an obligation limitation on "Federal-Aid Highways" for fiscal year 1978 is enacted into law by September 30, 1977.

Sec. 316. None of the funds provided in this act shall be available for the planning or execution of programs for any construction or improvements at Flushing Airport in New York City.

Sec. 317. Obligations for the Great River Road shall include preliminary engineering and the planning or execution of projects for the acquisition of areas of archeological, scientific, or historical importance and of necessary easements for scenic purposes, the construction or reconstruction of roadside rest areas, bicycle trails, and scenic viewing areas, the reconstruction and rehabilitation of existing road segments, and the construction of new route segments. No such funds, however, shall be used for constructing new segments until 60 per centum of the Great River Road in each State is completed: *Provided*, That such completion may be waived if the Administrator determines that circumstances in such State prevent such completion.

5 USC 5332 note.
Review by
congressional
committees.

Mass transit fares
for elderly and
handicapped.
49 USC 1601
note.
49 USC 1604.

Fiscal year
limitation.

Federal-Aid
Highways.

Flushing Airport,
N.Y.

Great River
Road.

Midway Airport,
Ill.
Air traffic plan.

SEC. 318. Such funds as may be necessary shall be utilized from the appropriations above made available to the Federal Aviation Administration and to the Civil Aeronautics Board for the preparation of a plan to coordinate as promptly as possible the use of Midway Airport with O'Hare Airport in Chicago, Illinois, for service by regularly scheduled airline carriers in order to relieve air traffic congestion and to promote air safety in that area.

Ante, p. 92.

SEC. 319. Funds appropriated for grants to the National Railroad Passenger Corporation under Public Law 95-26 and for the fiscal year 1978 purchase payments for the Northeast Corridor shall be used for the payment of any principal and interest costs due or payable to the Consolidated Rail Corporation after March 11, 1977.

Short title.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriation Act, 1978".

Approved August 2, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-383 (Comm. on Appropriations) and No. 95-470 (Comm. of Conference).

SENATE REPORT No. 95-268 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 8, considered and passed House.

June 23, considered and passed Senate, amended.

July 18, House agreed to conference report; concurred in certain Senate amendments, in others with amendments.

July 20, Senate agreed to conference report; concurred in House amendments.

Public Law 95-86
95th Congress

An Act

Making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1978, and for other purposes.

Aug. 2, 1977
[H.R. 7556]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1978, and for other purposes, namely:

Departments of
State, Justice, and
Commerce, the
Judiciary, and
Related Agencies
Appropriation
Act, 1978.

TITLE I—DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

Department of
State
Appropriation
Act, 1978.

For necessary expenses of the Department of State, not otherwise provided for, including expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158), and allowances as authorized by 5 U.S.C. 5921-5925; expenses of binational arbitrations arising under international air transport agreements; expenses necessary to meet the responsibilities and obligations of the United States in Germany (including those arising under the supreme authority assumed by the United States on June 5, 1945, and under contractual arrangements with the Federal Republic of Germany); hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; expenses authorized by section 2 of the Act of August 1, 1956 (22 U.S.C. 2669), as amended; refund of fees erroneously charged and paid for passports; radio communications; payment in advance for subscriptions to commercial information, telephone and similar services abroad; emergency medical attention and dietary supplements for U.S. citizens incarcerated abroad who are unable to obtain such services otherwise; expenses necessary to provide maximum physical security in Government-owned and leased properties abroad; and procurement by contract or otherwise, of services, supplies, and facilities, as follows: (1) translating, (2) analysis and tabulation of technical information, and (3) preparation of special maps, globes, and geographic aids; administrative and other expenses authorized by section 637(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2397(b)), and by section 305 of the Mutual Defense Assistance Control Act of 1951, as amended (22 U.S.C. 1613(d)); \$604,000,000: *Provided*, That passenger motor vehicles in possession of the Foreign Service abroad may be replaced in accordance with section 7 of the Act of August 1, 1956 (22 U.S.C. 2674), and the cost, including exchange allowance, of each such replacement shall not exceed \$6,500 in the case of the chief of mission automobile at each diplomatic mission (except that four such vehicles may be purchased at not to exceed \$9,000 each) and such amounts as may be otherwise provided by law for all other such vehicles, except that right-

hand drive vehicles may be purchased without regard to any maximum price limitation otherwise established by law: *Provided further*, That in addition, this appropriation shall be available for the purchase (not to exceed thirty-three), replacement, rehabilitation, and modification of passenger motor vehicles for protective purposes without regard to any maximum price limitations otherwise established by law.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 901 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1131), \$2,500,000.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses of carrying into effect the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 292-300), including personal services in the United States and abroad; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; and services as authorized by 5 U.S.C. 3109; \$103,101,000, to remain available until expended: *Provided*, That not to exceed \$2,281,000 may be used for administrative expenses during the current fiscal year.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for the purposes authorized by section 4 of the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 295), to remain available until expended, \$7,520,000.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U.S.C. 107), \$2,350,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 1105-1106), \$26,599,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, \$325,979,000.

22 USC 269a,
269b, 269f,
269g-1, 269h,
272a, 273-276,
279a, 280b,
280i, 280k,
287e, 287r,
290b, 1896b,
1928, 1928b,
2673 notes.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of United Nations peacekeeping forces in the Middle East, \$32,000,000.

MISSIONS TO INTERNATIONAL ORGANIZATIONS

For expenses necessary for permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress, including expenses authorized by the pertinent Acts and conventions provided for such representation; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances, as authorized by 5 U.S.C. 5921-5925; and expenses authorized by section 2 (a) and (e) and section 17 of the Act of August 1, 1956, as amended (22 U.S.C. 2669); 22 USC 2687.
\$10,144,000.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses of participation by the United States, upon approval by the Secretary of State, in international activities which arise from time to time in the conduct of foreign affairs and for which specific appropriations have not been provided pursuant to treaties, conventions, or special Acts of Congress, including personal services without regard to civil service and classification laws; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; hire of passenger motor vehicles; contributions for the share of the United States in expenses of international organizations; and expenses authorized by section 2(a) of the Act of August 1, 1956, as amended (22 U.S.C. 2669); \$8,000,000, to remain available until expended, of which not to exceed a total of \$160,000 may be expended for representation allowances as authorized by section 901 of the Act of August 13, 1946, as amended (22 U.S.C. 1131), and for official entertainment.

INTERNATIONAL TRADE NEGOTIATIONS

For necessary expenses of participation by the United States in international trade negotiations, including not to exceed \$15,000 for representation allowances, as authorized by section 901 of the Act of August 13, 1946, as amended (22 U.S.C. 1131), and for official entertainment, \$3,800,000: *Provided*, That this appropriation shall be available in accordance with the authority provided in the current appropriation for "International conferences and contingencies".

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO 22 USC 277 note.

For expenses necessary to enable the United States to meet its obligations under the treaties of 1889, 1906, 1933, 1944, 1963, and 1970 between the United States and Mexico, and to comply with the other laws applicable to the United States Section, International Boundary and Water 26 Stat. 1512.
34 Stat. 2953.
48 Stat. 1621.
59 Stat. 1219.
15 UST 21.
23 UST 371.

Commission, United States and Mexico, including operation and maintenance of the Rio Grande rectification, canalization, flood control, bank protection, water supply, power, irrigation, boundary demarcation, and sanitation projects; detailed plan preparation and construction (including surveys and operation and maintenance and protection during construction); Rio Grande emergency flood protection; expenditures for the purposes set forth in sections 101 through 104 of the Act of September 13, 1950 (22 U.S.C. 277d-1—277d-4); purchase of planographs and lithographs; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

SALARIES AND EXPENSES

For salaries and expenses not otherwise provided for, including examination, preliminary surveys, and investigations, and operation and maintenance of projects or parts thereof, as enumerated above, including gaging stations, \$6,300,000: *Provided*, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89).

CONSTRUCTION

For detailed plan preparation and construction of projects authorized by the convention concluded February 1, 1933, between the United States and Mexico, the Acts approved August 19, 1935, as amended (22 U.S.C. 277-277f), August 29, 1935 (49 Stat. 961), June 4, 1936 (49 Stat. 1463), June 28, 1941 (22 U.S.C. 277f), September 13, 1950 (22 U.S.C. 277d-1-9), October 10, 1966 (80 Stat. 884), October 25, 1972 (86 Stat. 1161), and the project stipulated in the treaty between the United States and Mexico signed at Washington on February 3, 1944, to remain available until expended, \$17,000,000: *Provided*, That no expenditures shall be made for the Lower Rio Grande flood control project for construction on any land, site, or easement in connection with this project except such as has been acquired by donation and the title thereto has been approved by the Attorney General of the United States: *Provided further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State.

22 USC
277d-32.
22 USC 277d-34
note.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For expenses necessary to enable the President to perform the obligations of the United States pursuant to treaties between the United States and Great Britain, in respect to Canada, signed January 11, 1909 (36 Stat. 2448), and February 24, 1925 (44 Stat. 2102); and the treaty between the United States and Canada, signed February 27, 1950; including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; \$2,232,000, to be disbursed under the direction of the Secretary of State and to be available also for additional expenses of the American Sections, International Commissions, as hereinafter set forth:

International Joint Commission, United States and Canada, the salary of the Commissioners on the part of the United States who shall serve at the pleasure of the President; salaries of clerks and other employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses in attending hearings of the Commission at such places in the United States and Canada as the Commission or the American Commissioners shall determine to be necessary; not to exceed \$1,500 for representation expenses, in accordance with such regulations as the President may prescribe, and official entertainment; and special and technical investigations in connection with matters falling within the Commission's jurisdiction: *Provided*, That transfers of funds may be made to other agencies of the Government for the performance of work for which this appropriation is made.

Regulations.

International Boundary Commission, United States and Canada, the completion of such remaining work as may be required under the award of the Alaskan Boundary Tribunal and the existing treaties between the United States and Great Britain; commutation of subsistence to employees while on field duty at not to exceed the authorized prevailing daily rate; hire of freight and passenger motor vehicles from temporary field employees; and payment for timber necessarily cut in keeping the boundary line clear.

INTERNATIONAL FISHERIES COMMISSIONS

For expenses, not otherwise provided for, necessary to enable the United States to meet its obligations in connection with participation in international fisheries commissions pursuant to treaties or conventions, and implementing Acts of Congress, \$5,745,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions.

EDUCATIONAL EXCHANGE

MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACTIVITIES

For expenses, not otherwise provided for, necessary to enable the Secretary of State to carry out the functions of the Department of State under the provisions of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451-2458), and the Act of August 9, 1939 (22 U.S.C. 501), including expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); expenses of the National Commission on Educational, Scientific, and Cultural Cooperation as authorized by sections 3, 5, and 6 of the Act of July 30, 1946 (22 U.S.C. 287o, 287q, 287r); hire of passenger motor vehicles; not to exceed \$12,000 for representation expenses; not to exceed \$1,500 for official entertainment within the United States; services as authorized by 5 U.S.C. 3109; and advance of funds notwithstanding section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); \$65,500,000, of which not less than \$1,600,000 shall be used for payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States: *Provided*, That not to exceed \$2,825,000 may be used for administrative expenses during the current fiscal year.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND
WEST

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate recipient in the State of Hawaii, \$12,200,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended.

22 USC 2054
note.

5 USC 5332 note.

GENERAL PROVISIONS—DEPARTMENT OF STATE

Security guard
service.

SEC. 102. Appropriations under this title for "Salaries and expenses", "International conferences and contingencies", and "Missions to international organizations" are available for reimbursement of the General Services Administration for security guard services for protection of confidential files.

One-world
government
advocates.

SEC. 103. None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

Panama Canal
treaty or
agreement.

SEC. 104. It is the sense of the Congress that any new Panama Canal treaty or agreement must protect the vital interests of the United States in the Canal Zone and in the operation, maintenance, property and defense of the Panama Canal.

Citation of title.

This title may be cited as the "Department of State Appropriation Act, 1978".

Department of
Justice
Appropriation
Act, 1978.

TITLE II—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, including hire of passenger motor vehicles; and miscellaneous and emergency expenses authorized or approved by the Attorney General or the Assistant Attorney General for Administration; \$26,067,000, of which \$4,466,000 is for the United States Parole Commission and \$2,000,000 is for the Federal justice research program, the latter amount to remain available until expended.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES (INCLUDING
TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including miscellaneous and emergency expenses authorized or approved by the Attorney General or the Assistant Attorney General for Administration; not to exceed \$30,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his

certificate; and advances of public moneys pursuant to law (31 U.S.C. 529); \$76,075,000: *Provided*, That not to exceed \$105,000 may be transferred to this appropriation from the "Alien Property Fund, World War II", for the general administrative expenses of alien property activities, including rent of private or Government-owned space in the District of Columbia.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust, consumer protection and kindred laws, including \$10,000,000 for antitrust enforcement grants to the States authorized by section 309 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, \$39,785,000: *Provided*, That none of this appropriation shall be expended for the establishment and maintenance of permanent regional offices of the Antitrust Division.

42 USC 3701
note.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of the United States attorneys and marshals, including purchase of firearms and ammunition and supervision of United States prisoners in non-Federal institutions, and bringing to the United States from foreign countries persons charged with crime, \$179,075,000.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, including necessary clothing and medical aid, payment of rewards, and reimbursement to Saint Elizabeths Hospital for the care and treatment of United States prisoners, at per diem rates as authorized by law (24 U.S.C. 168a), \$21,000,000.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, and for such compensation and expenses of expert witnesses pursuant to section 524 of title 28, United States Code, and sections 4244-48 of title 18, United States Code, including advances; \$20,050,000: *Provided*, That no part of the sum herein appropriated shall be used to pay any witness more than one attendance fee for any one calendar day.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service established by title X of the Civil Rights Act of 1964 (42 U.S.C. 2000g-2000g-2), \$5,192,000.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for the detection and prosecution of crimes against the United States; protection of the person of the President of the United States and the person of the Attorney General; acquisition, collection, classification and preservation of identification and other records and their exchange with, and for the official use of, the

duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies; and such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General; including purchase for police-type use without regard to the general purchase price limitation for the current fiscal year (not to exceed five hundred fifty-five for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; firearms and ammunition; payment of rewards; benefits in accordance with those provided under 22 U.S.C. 1136(9)–(11), under regulations prescribed by the Secretary of State; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; \$529,454,000.

None of the funds appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any civil service employee.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including advance of cash to aliens for meals and lodging while en route; payment of allowances (at a rate not in excess of \$1 per day) to aliens, while held in custody under the immigration laws, for work performed; payment of expenses and allowances incurred in tracking lost persons as required by public exigencies; payment of rewards; not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use without regard to the general purchase price limitation for the current fiscal year (not to exceed five hundred fifty-three, of which four hundred twenty-seven shall be for replacement only) and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; firearms and ammunition, attendance of firearms matches; refunds of head tax, maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; operation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto; acquisition of land as sites for enforcement fence and construction incident to such fence; reimbursement of the General Services Administration for security guard services for protection of confidential files; benefits in accordance with those provided under 22 U.S.C. 1136 (9)–(11) and 22 U.S.C. 1157 under regulations prescribed by the Secretary of State; research related to immigration enforcement; \$266,450,000, of which not to exceed \$400,000 shall remain available for such research until expended: *Provided*, That of the amount herein appropriated, not to exceed \$50,000 may be used for the emergency replacement of aircraft upon certificate of the Attorney General.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including hire of passenger motor vehicles; payment in advance for special tests and studies by contract; payment in advance for expenses arising out of contractual and reimbursable agreements with State and local law enforcement and regulatory agencies while engaged in cooperative enforcement and regulatory activities in accordance with section 503a(2) of the Controlled Substances Act; not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of not to exceed six hundred two passenger motor vehicles (of which four hundred forty-two are for replacement only) for police-type use without regard to the general purchase price limitation for the current fiscal year; payment of rewards; payment for publication of technical and informational material in professional and trade journals; purchase of chemicals, apparatus, and scientific equipment; payment for necessary accommodations in the District of Columbia for conferences and training activities; acquisition, lease, maintenance, and operation of aircraft; employment of aliens by contract for services abroad; research related to enforcement and drug control; benefits in accordance with those provided under 22 U.S.C. 1136(9)-(11), under regulations prescribed by the Secretary of State; \$181,895,000, of which not to exceed \$4,500,000 for research shall remain available until expended. 21 USC 873.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision and support of United States prisoners in non-Federal institutions; purchase of (not to exceed thirty-three of which twenty-four are for replacement only) and hire of law enforcement and passenger motor vehicles; compilation of statistics relating to prisoners in Federal penal and correctional institutions; assistance to State and local governments to improve their correctional systems; firearms and ammunition; medals and other awards; payment of rewards; purchase and exchange of farm products and livestock; construction of buildings at prison camps; and acquisition of land as authorized by section 4010 of title 18, United States Code; \$259,576,000: *Provided*, That there may be transferred to the Health Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions. 42 USC 250a.

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351-4353 of title 18, United States Code, which established a National Institute of Corrections. \$9,900,000, to remain available until expended.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities and constructing, remodeling, and equipping necessary buildings and

facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$38,850,000, to remain available until expended: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

31 USC 849. The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of not to exceed five (for replacement only) and hire of passenger motor vehicles, except as hereinafter provided:

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$1,947,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed \$4,381,000 for the expenses of vocational training of prisoners, both amounts to be available for services as authorized by 5 U.S.C. 3109, and to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SALARIES AND EXPENSES

42 USC 3701
note.
42 USC 5601
note. For grants, contracts, loans, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and other expenses in connection therewith, \$647,250,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

Attorneys,
qualification.

SEC. 202. None of the funds appropriated by this title may be used to pay the compensation of any person hereafter employed as an attorney (except foreign counsel employed in special cases) unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, territory, or the District of Columbia.

Regulations.

SEC. 203. Appropriations and authorizations made in this title which

are available for expenses of attendance at meetings shall be expended for such purposes in accordance with regulations prescribed by the Attorney General.

SEC. 204. Appropriations and authorizations made in this title for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

Experts and consultants.

SEC. 205. Appropriations for "Salaries and expenses, general administration", "Salaries and expenses, United States attorneys and marshals", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Bureau of Prisons", shall be available for uniforms and allowances therefor as authorized by law (5 U.S.C. 5901-5902).

Uniforms.

SEC. 206. Appropriations made in this title shall be available for the purchase of insurance for motor vehicles operated on official Government business in foreign countries.

Government motor vehicles, insurance.

SEC. 207. Funds appropriated under this title shall be available for (1) expenses of primary and secondary schooling for dependents of personnel stationed outside the continental United States at costs not in excess of those authorized by the Department of Defense for the same area, when it is determined by the Attorney General that schools available in the locality are unable to provide adequately for the education of such dependents, and (2) transportation of said dependents between their places of residence and schools serving the area which they would normally attend when the Attorney General, under such regulations as he may prescribe, determines that such schools are not accessible by public means of transportation.

Dependents' schooling.

SEC. 208. A total of not to exceed \$17,500 from funds appropriated to the Department of Justice shall be available for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

This title may be cited as the "Department of Justice Appropriation Act, 1978".

Citation of title.

TITLE III—DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce, including not to exceed \$2,000 for official entertainment, \$15,750,000.

WHITE HOUSE CONFERENCE ON BALANCED NATIONAL GROWTH AND ECONOMIC DEVELOPMENT

For expenses necessary to carry out the provisions of title II of the Public Works and Economic Development Act Amendments of 1976, as amended, \$750,000.

Department of Commerce Appropriation Act, 1977.

42 USC 3121 note.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$45,235,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to prepare for taking, compiling, and publishing the censuses of business, transportation, manufactures, and mineral industries; the census of governments; the census of agriculture; the census of population and housing; and periodic surveys, as provided for by law, \$71,000,000, to remain available until expended.

BUREAU OF ECONOMIC ANALYSIS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Economic Analysis, \$13,475,000.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development assistance as authorized by titles I, II, III, IV and IX of the Public Works and Economic Development Act of 1965, as amended, and title II of the Trade Act of 1974, \$382,500,000.

42 USC 3131,
3141, 3151,
3161, 3241.
19 USC 2251.

ADMINISTRATION OF ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For necessary expenses of administering the economic development assistance programs, not otherwise provided for, \$26,825,000, of which not to exceed \$300,000 may be advanced to the Small Business Administration for processing of loan applications.

REGIONAL ACTION PLANNING COMMISSIONS

REGIONAL DEVELOPMENT PROGRAMS

For expenses necessary to carry out the programs authorized by title V of the Public Works and Economic Development Act of 1965, as amended, \$64,600,000, to remain available until expended.

42 USC 3181.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for domestic business activities of the Department of Commerce; necessary expenses for international business activities, including trade promotional activities abroad without regard to the provisions of law set forth in 41 U.S.C. 5 and 13, and 44 U.S.C. 501, 3702, and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas; purchase of commercial and trade reports; employment of aliens by contract for services abroad; rental of space abroad, for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; and not to exceed \$4,200 for official representation expenses abroad; necessary expenses to carry out the provisions of the Defense Production Act of 1950, as amended; and necessary expenses for carrying out the Export Administration Act of 1969, as amended, including awards of compensation to informers under said Act and as author-

50 USC app.
2061.
50 USC app.
2401 note.

ized by 22 U.S.C. 401(b); \$65,947,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out the activities concerned with international business activities.

MINORITY BUSINESS ENTERPRISE

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, \$50,300,000, of which \$38,535,000 shall remain available until expended: *Provided*, That not to exceed \$11,765,000 shall be available for program development and management.

UNITED STATES TRAVEL SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Travel Service as provided for by law; including employment of aliens by contract for service abroad; rental of space abroad, for periods not exceeding five years, and expenses of alteration, repair, or improvement; advance of funds under contracts abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed \$5,000 for representation expenses; \$14,190,000, of which not less than \$1,000,000 shall be available for the domestic tourism promotion program.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For expenses necessary for the National Oceanic and Atmospheric Administration, including research and development; maintenance, operation, and hire of aircraft; expenses of an authorized strength of 399 commissioned officers on the active list; pay of commissioned officers retired in accordance with law and payments under the Retired Serviceman's Family Protection and the Survivors Benefit plans; construction of facilities, including initial equipment; alteration, modernization, and relocation of facilities; and acquisition of land for facilities; \$607,506,000, to remain available until expended, of which so much as may become available during the current fiscal year shall be derived from the Pribilof Islands Fund: *Provided*, That this appropriation shall be available for payment to the National Aeronautics and Space Administration for procurement, in accordance with the authority available to that Administration, of such equipment or facilities as may be necessary, for the purposes of this appropriation. 33 USC 851.

COASTAL ZONE MANAGEMENT

For carrying out the provisions of Public Law 92-583, as amended, \$50,822,000, to remain available until expended. 16 USC 1451 note.

COASTAL ENERGY IMPACT FUND

For payment to the Coastal Energy Impact Fund for the purpose of carrying out the provisions of sections 308(a), (c), (d), (e), (f),

- 16 USC 1456a. (g), (h), (i), and (k) of the Act of October 27, 1972, as amended (90 Stat. 1019), \$115,000,000, to remain available until expended: *Provided*, That obligations for payments pursuant to subsections (c), (d), and (f) shall not exceed \$115,000,000.

CONSTRUCTION

For expenses necessary for the National Oceanic and Atmospheric Administration for planning, design and construction of facilities, \$15,500,000, to remain available until expended.

NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION

OPERATIONS, RESEARCH, AND ADMINISTRATION

- 15 USC 2201
note. For expenses necessary to carry out the provisions of the Federal Fire Prevention and Control Act of 1974, as amended, \$13,850,000, to remain available until expended.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office, including defense of suits instituted against the Commissioner of Patents and Trademarks, \$89,500,000.

SCIENCE AND TECHNICAL RESEARCH

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards, including the acquisition of buildings, grounds, and other facilities; the National Technical Information Service; and the Office of Telecommunications; \$73,000,000, to remain available until expended, of which not to exceed \$2,667,000 may be transferred to the "Working Capital Fund", National Bureau of Standards, for additional capital.

MARITIME ADMINISTRATION

SHIP CONSTRUCTION

- 46 USC 1151. For construction-differential subsidy incident to construction, reconstruction, and reconditioning of ships and acquisition of used ships under title V of the Merchant Marine Act, 1936, as amended; and for the cost of national defense features on ships, \$135,000,000, to remain available until expended.

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORITY)

- 46 USC 1245. For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, \$352,000,000, to remain available until expended.

RESEARCH AND DEVELOPMENT

For expenses necessary for research, development, fabrication, and test operation of experimental facilities and equipment; collection and

dissemination of maritime technical and engineering information; studies to improve water transportation systems; \$18,325,000, to remain available until expended.

OPERATIONS AND TRAINING

For expenses necessary for carrying out the Merchant Marine Act, 1936, as amended, and the training of cadets as officers of the Merchant Marine, including not to exceed \$2,000 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator; not to exceed \$1,500 for representation allowances; not to exceed \$2,500 for contingencies for the Superintendent, United States Merchant Marine Academy, to be expended in his discretion; \$54,200,000, to remain available until expended: *Provided*, That reimbursement may be made to this appropriation for expenses in support of activities for National Maritime Research Centers financed from the appropriation for "Research and development": *Provided further*, That reimbursements may be made to this appropriation from receipts to the "Federal ship financing fund" for administrative expenses in support of that program.

46 USC 1245.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 302. During the current fiscal year applicable appropriations and funds available to the Department of Commerce shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act.

SEC. 303. During the current fiscal year appropriations to the Department of Commerce which are available for salaries and expenses shall be available for hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 304. No part of any appropriation contained in this title shall be used for construction of any ship in any foreign country.

This title may be cited as the "Department of Commerce Appropriation Act, 1978".

Citation of title.

Judiciary
Appropriation
Act, 1977.

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase, or hire, driving, maintenance and operation of an automobile for the Chief Justice; not to exceed \$5,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; \$8,391,000.

CARE OF THE BUILDING AND GROUNDS

5 USC 5101 *et*
seq., 8331 *et seq.*

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without reference to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); \$800,000.

COURT OF CUSTOMS AND PATENT APPEALS

SALARIES AND EXPENSES

For salaries of the chief judge, four associate judges, and all other officers and employees of the court, and necessary expenses of the court, including exchange of books, and traveling expenses, as may be approved by the chief judge, \$1,020,000.

CUSTOMS COURT

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; services as authorized by 5 U.S.C. 3109; and necessary expenses of the court, including exchange of books and traveling expenses, as may be approved by the court; \$2,907,000: *Provided*, That traveling expenses of judges of the Customs Court shall be paid upon written certificate of the judge.

COURT OF CLAIMS

SALARIES AND EXPENSES

For salaries of the chief judge, six associate judges, and all other officers and employees of the court, and for other necessary expenses, including stenographic and other fees and charges necessary in the taking of testimony, and travel, \$3,000,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

For salaries of circuit judges; district judges (including judges of the district courts of the Virgin Islands, the Panama Canal Zone,

and Guam); justices and judges retired or resigned under title 28, United States Code, sections 371, 372, and 373; and annuities of widows of Justices of the Supreme Court of the United States in accordance with title 28, United States Code, section 375; \$39,700,000.

SALARIES OF SUPPORTING PERSONNEL

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, \$148,400,000: *Provided*, That the salaries of secretaries and law clerks to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code, for General Schedule grade (GS) 10 and grade (GS) 12, respectively: *Provided further*, That (exclusive of step increases corresponding with those provided for by chapter 53 of title 5 of the United States Code, post differential and allowances for employees stationed outside the continental United States and in Alaska and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by each of the circuit and district judges shall not exceed \$67,119 and \$40,760 per annum, respectively, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed \$82,643 and \$52,283 per annum, respectively: *Provided further*, That the chief judge of each circuit may appoint a senior law clerk to the court at not more than \$34,000 per annum, without regard to the limitations referred to above.

28 USC 604 note.

5 USC 5101 *et seq.* 5332 note.

5 USC 5301 *et seq.*

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, and the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, \$24,000,000, to remain available until expended.

18 USC 3006A note.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors; compensation of jury commissioners; and compensation of commissioners appointed in condemnation cases pursuant to Rule 71A(h) of the Federal Rules of Civil Procedure; \$23,250,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under Section 5332 of title 5, United States Code.

TRAVEL AND MISCELLANEOUS EXPENSES

For necessary travel and miscellaneous expenses, not otherwise provided for, incurred by the Judiciary, including the purchase of firearms and ammunition, \$27,600,000.

SALARIES AND EXPENSES OF MAGISTRATES

For compensation and expenses of United States Magistrates, including secretarial and clerical assistance, as authorized by 28 U.S.C. 634-635, \$17,500,000.

SALARIES AND EXPENSES OF REFEREES

For salaries and expenses of referees as authorized by the Act of June 28, 1946, as amended (11 U.S.C. 68, 102), not to exceed \$33,500,000, to be derived from the Referees' salary and expense fund established in pursuance of said Act, and, to the extent of any deficiency in said fund, from any monies in the Treasury not otherwise appropriated.

SPACE AND FACILITIES

For the rental of space, tenant alterations, and related services for the United States Courts of Appeals and District Courts, the Court of Customs and Patent Appeals, the Customs Court, the Court of Claims, the Administrative Office of the United States Courts and the Federal Judicial Center, pursuant to the Public Buildings Amendments of 1972, Public Law 92-313, June 16, 1972 (86 Stat. 216), \$89,700,000.

40 USC 603 note.

FURNITURE AND FURNISHINGS

For necessary expenses, not otherwise provided for, to provide furniture and furnishings for the United States Courts, including the Administrative Office of the United States Courts and the Federal Judicial Center, \$7,500,000, to be available for transfer to the General Services Administration which shall be responsible for administering the program in compliance with standards or guidelines prescribed by the Director of the Administrative Office of the United States Courts under the supervision and direction of the Judicial Conference of the United States.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, and rent in the District of Columbia and elsewhere, \$10,500,000.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$6,550,000.

28 USC 620.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 402. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 403. Not to exceed \$120,000 of the appropriations contained in this title shall be available for the study of rules of practice and procedure.

Citation of title.

This title may be cited as the "Judiciary Appropriation Act, 1978".

TITLE V—RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities, including not to exceed \$10,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), \$13,600,000.

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to Radio Free Europe and Radio Liberty, \$65,900,000, of which \$2,000,000, to remain available until expended, shall be available only for fluctuations in foreign currency exchange rates in accordance with the provisions of section 8 of the Board for International Broadcasting Act of 1973, as amended.

22 USC 2877.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, \$10,480,000.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For expenses necessary for the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$347,000, to remain available until expended.

22 USC 3001 *et seq.*

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$10,400,000 for payments to State and local agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended; \$77,050,000.

42 USC 2000e.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Federal Communications Commission, as authorized by law, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); not to exceed \$325,000 for land and structures; not to exceed \$65,000 for improvement and care of grounds and repair to buildings; not to exceed \$1,500 for official reception and representation expenses; purchase (not to exceed six)

and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; \$61,400,000: *Provided*, That not to exceed \$500,000 of the foregoing amount shall remain available until September 30, 1979 for research and policy studies.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; \$9,424,000: *Provided*, That not to exceed \$1,500 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$1,500 for official reception and representation expenses; \$59,500,000.

FOREIGN CLAIMS SETTLEMENT COMMISSION

SALARIES AND EXPENSES

22 USC 1131. For expenses necessary to carry on the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those provided by title IX of the Foreign Service Act of 1946, as amended, as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; \$920,000.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

19 USC 1336, 1337, 1338. For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, \$11,500,000: *Provided*, That no part of this appropriation shall be used to pay the salary of any member of the International Trade Commission who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative: *Provided further*, That no part of the foregoing appropriation shall be used for making any special study, investigation, or report at the request of any other agency of the executive

branch of the Government unless reimbursement is made for the cost thereof.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, \$1,000,000, to remain available until expended; and an amount of Japanese currency not to exceed the equivalent of \$1,000,000 based on exchange rates at the time of payment of such amounts, to remain available until expended: *Provided*, That not to exceed a total of \$2,000 of such amounts shall be available for official reception and representation expenses. 22 USC 2901 note.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$205,000,000. 42 USC 2996 note.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, \$900,000. 16 USC 1401.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

SALARIES AND EXPENSES

For expenses necessary for the Office of the Special Representative for Trade Negotiations, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, \$2,680,000.

RENEGOTIATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Renegotiation Board, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, \$6,000,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed \$2,000 for official reception and representation expenses, \$58,100,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles, not to exceed \$1,500 for official reception and representation expenses, \$164,000,000.

REVOLVING FUNDS

31 USC 849. The Small Business Administration is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the following funds, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for the "Disaster loan fund", the "Business loan and investment fund", the "Lease guarantees revolving fund", the "Pollution control equipment contract guarantees revolving fund" and the "Surety bond guarantees revolving fund".

BUSINESS LOAN AND INVESTMENT FUND

15 USC 633. For additional capital for the "Business loan and investment fund", authorized by the Small Business Act, as amended, \$605,000,000, to remain available without fiscal year limitation.

DISASTER LOAN FUND

For additional capital for the "Disaster loan fund", authorized by the Small Business Act, as amended, \$115,000,000, to remain available without fiscal year limitation.

LEASE GUARANTEES REVOLVING FUND

15 USC 694. For additional capital for the "Lease Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, \$4,000,000, to remain available without fiscal year limitation.

SURETY BOND GUARANTEES REVOLVING FUND

15 USC 694c. For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, \$47,000,000, to remain available without fiscal year limitation.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

22 USC 1461 note. For expenses necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 8 of 1953, the Mutual Educational and Cultural Exchange Act (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international information activities, including employment, without regard to the civil service and classification laws, of persons on a temporary basis (not to exceed \$20,000), and aliens within the United States; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); entertainment within the United States not to exceed \$5,000; purchase for use abroad of (not to exceed sixty-nine, of which forty-four are for replacement only), and hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; advance of funds notwithstanding section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); dues for library membership in organizations which issue publications to

members only, or to members at a price lower than to others; expenses authorized by section 804(14) of the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1474); radio activities and acquisition and production of motion pictures and visual materials and purchase or rental of technical equipment and facilities therefor, narration, scriptwriting, translation, and engineering services, by contract or otherwise; and purchase of objects for presentation to foreign governments, schools, or organizations; \$262,000,000: *Provided*, That not to exceed \$290,000 may be used for representation abroad: *Provided further*, That passenger motor vehicles used abroad exclusively for the purposes of this appropriation may be replaced in accordance with section 201(c) of the Act of June 30, 1949 (40 U.S.C. 481(c)), and the cost, including the exchange allowance, of each such replacement, shall not exceed such amounts as may be otherwise provided by law (except that right-hand drive vehicles may be purchased without regard to any maximum price limitation otherwise established by law): *Provided further*, That, notwithstanding the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the United States Information Agency is authorized, in making contracts for the use of international shortwave radio stations and facilities, to agree on behalf of the United States to indemnify the owners and operators of said radio stations and facilities from such funds as may be hereafter appropriated for the purpose against loss or damage on account of injury to persons or property arising from such use of said radio stations and facilities.

22 USC 1461b.

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the United States Information Agency, as authorized by law, including Section 804(14) of the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1474), \$7,057,000, to remain available until expended.

SPECIAL INTERNATIONAL EXHIBITIONS

For expenses necessary to carry out the functions of the United States Information Agency under section 102(a)(3) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), \$1,360,000, to remain available until expended: *Provided*, That not to exceed a total of \$6,500 may be expended for representation.

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception, purchase and installation of necessary equipment for radio transmission and reception, without regard to the provisions of the Act of June 30, 1932 (40 U.S.C. 278a), and acquisition of land and interests in land by purchase, lease, rental, or otherwise, \$13,032,000, to remain available until expended: *Provided*, That this appropriation shall be available for acquisition of land outside the continental United States without regard to section 355 of the Revised Statutes (40 U.S.C. 255) and title to any land so acquired shall be approved by the Director of the United States Information Agency.

TITLE VI—SUPPLEMENTAL APPROPRIATIONS, 1977

For additional amounts for the fiscal year 1977 for increased pay costs authorized or pursuant to law, and other purposes to be immediately available, as follows:

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

“Missions to international organizations,” \$145,000;

INTERNATIONAL COMMISSIONS

“American sections,-international commissions,” \$20,000;

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES, GENERAL ADMINISTRATION

For an additional amount for “Salaries and expenses, general administration”, \$147,000, to be derived by transfer from “Salaries and expenses, Community Relations Services”.

LEGAL ACTIVITIES

ANTITRUST DIVISION

42 USC 3739. For salaries and expenses to provide antitrust enforcement grants to the States authorized by section 309 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, \$1,000,000.

THE JUDICIARY

COURT OF CUSTOMS AND PATENT APPEALS

“Salaries and expenses,” \$41,000;

CUSTOMS COURT

“Salaries and expenses,” \$73,000;

COURT OF CLAIMS

“Salaries and expenses,” \$159,000;

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

“Salaries of judges,” \$4,300,000;

“Salaries of supporting personnel,” \$249,000;

“Salaries and expenses of United States Magistrates,” \$450,000;

“Salaries and expenses of referees,” \$1,435,000;

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

“Salaries and expenses,” \$53,000;

FEDERAL JUDICIAL CENTER

“Salaries and expenses,” \$20,000;

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

“Arms control and disarmament activities,” \$220,000.

BOARD FOR INTERNATIONAL BROADCASTING

“Grants and Expenses”, \$3,350,000, to remain available until expended, which shall be available only for fluctuations in foreign currency exchange rates in accordance with the provisions of section 8 of the Board for International Broadcasting Act of 1973, as amended.

22 USC 2877.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$500,000 to be transferred from the Disaster Loan Fund.

DISASTER LOAN FUND

For additional capital for the “Disaster Loan Fund”, authorized by the Small Business Act, as amended, \$200,000,000 to remain available without fiscal year limitation.

15 USC 633.

TITLE VII—GENERAL PROVISIONS

SEC. 701. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Publicity or
propaganda.

SEC. 702. No part of any appropriation contained in this Act shall be used to administer any program which is funded in whole or in part from foreign currencies or credits for which a specific dollar appropriation therefor has not been made.

Foreign currency
funded programs.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Fiscal year
limitation.

SEC. 704. No part of the funds appropriated by this Act shall be used to pay the salary of any Federal employee who is finally convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Convicted rioters,
payment
prohibitions.

SEC. 705. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of, or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials or students in such institution from engaging in their duties or pursuing their studies at such institution.

Funds to campus
disrupters,
prohibitions.

Alleged selective
service violators.

50 USC app. 451.

Settlement of
property
confiscated by
Cuba.

Short title.

SEC. 706. None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for salaries or expenses in connection with the dismissal of any pending indictments for violations of the Military Selective Service Act alleged to have occurred between August 4, 1964 and March 28, 1973, or the termination of any investigation now pending alleging violations of the Military Selective Service Act between August 4, 1964 and March 28, 1973, or permitting any person to enter the United States who is or may be precluded from entering the United States under 8 U.S.C. 1182(a) (22) or under any other law, by reason of having committed or apparently committed any violation of the Military Selective Service Act.

SEC. 707. None of the funds appropriated or otherwise made available in this Act shall be obligated or expended to make a commitment to provide any reparations, aid, or credits to Vietnam, Cambodia, or Laos.

SEC. 708. No part of any appropriation contained in this Act shall be used for the purpose of negotiating a settlement of United States claims against private property confiscated by the Cuban Government at less than the principal value, giving full consideration to the amounts certified by the United States Foreign Claims Settlement Commission on July 6, 1972.

This Act may be cited as the "Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1978".

Approved August 2, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-382 (Comm. on Appropriations) and No. 95-476 (Comm. of Conference).

SENATE REPORT No. 95-285 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 10, 13, considered and passed House.

June 24, considered and passed Senate, amended.

July 18, House agreed to conference report; concurred in certain Senate amendments with an amendment.

July 19, Senate agreed to conference report; concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 32:

Aug. 3, Presidential statement.

Public Law 95-87
95th Congress

An Act

To provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surface Mining Control and Reclamation Act of 1977".

Aug. 3, 1977

[H.R. 2]

Surface Mining
Control and
Reclamation Act
of 1977.
30 USC 1201
note.

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TITLE I—STATEMENT OF FINDINGS AND POLICY

FINDINGS

SEC. 101. The Congress finds and declares that—

30 USC 1201.

(a) extraction of coal and other minerals from the earth can be accomplished by various methods of mining, including surface mining;

(b) coal mining operations presently contribute significantly to the Nation's energy requirements; surface coal mining constitutes one method of extraction of the resource; the overwhelming percentage of the Nation's coal reserves can only be extracted by underground mining methods, and it is, therefore, essential to the national interest to insure the existence of an expanding and economically healthy underground coal mining industry;

(c) many surface mining operations result in disturbances of surface areas that burden and adversely affect commerce and the public welfare by destroying or diminishing the utility of land for commercial, industrial, residential, recreational, agricultural, and forestry purposes, by causing erosion and landslides, by contributing to floods, by polluting the water, by destroying fish and wildlife habitats, by impairing natural beauty, by damaging the property of citizens, by creating hazards dangerous to life and property by degrading the quality of life in local communities, and by counteracting governmental programs and efforts to conserve soil, water, and other natural resources;

(d) the expansion of coal mining to meet the Nation's energy needs makes even more urgent the establishment of appropriate standards to minimize damage to the environment and to productivity of the soil and to protect the health and safety of the public.

(e) surface mining and reclamation technology are now developed so that effective and reasonable regulation of surface coal mining operations by the States and by the Federal Government in accordance with the requirements of this Act is an appropriate and necessary means to minimize so far as practicable the adverse social, economic, and environmental effects of such mining operations;

(f) because of the diversity in terrain, climate, biologic, chemical, and other physical conditions in areas subject to mining operations, the primary governmental responsibility for developing, authorizing, issuing, and enforcing regulations for surface mining and reclamation operations subject to this Act should rest with the States;

(g) surface mining and reclamation standards are essential in order to insure that competition in interstate commerce among sellers of coal produced in different States will not be used to

undermine the ability of the several States to improve and maintain adequate standards on coal mining operations within their borders;

(h) there are a substantial number of acres of land throughout major regions of the United States disturbed by surface and underground coal on which little or no reclamation was conducted, and the impacts from these unreclaimed lands impose social and economic costs on residents in nearby and adjoining areas as well as continuing to impair environmental quality;

(i) while there is a need to regulate surface mining operations for minerals other than coal, more data and analyses are needed to serve as a basis for effective and reasonable regulation of such operations;

(j) surface and underground coal mining operations affect interstate commerce, contribute to the economic well-being, security, and general welfare of the Nation and should be conducted in an environmentally sound manner; and

(k) the cooperative effort established by this Act is necessary to prevent or mitigate adverse environmental effects of present and future surface coal mining operations.

PURPOSES

30 USC 1202.

SEC. 102. It is the purpose of this Act to—

(a) establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations;

(b) assure that the rights of surface landowners and other persons with a legal interest in the land or appurtenances thereto are fully protected from such operations;

(c) assure that surface mining operations are not conducted where reclamation as required by this Act is not feasible;

(d) assure that surface coal mining operations are so conducted as to protect the environment;

(e) assure that adequate procedures are undertaken to reclaim surface areas as contemporaneously as possible with the surface coal mining operations;

(f) assure that the coal supply essential to the Nation's energy requirements, and to its economic and social well-being is provided and strike a balance between protection of the environment and agricultural productivity and the Nation's need for coal as an essential source of energy;

(g) assist the States in developing and implementing a program to achieve the purposes of this Act;

(h) promote the reclamation of mined areas left without adequate reclamation prior to the enactment of this Act and which continue, in their unreclaimed condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health or safety of the public;

(i) assure that appropriate procedures are provided for the public participation in the development, revision, and enforcement of regulations, standards, reclamation plans, or programs established by the Secretary or any State under this Act;

(j) provide a means for development of the data and analyses necessary to establish effective and reasonable regulation of surface mining operations for other minerals;

(k) encourage the full utilization of coal resources through the development and application of underground extraction technologies;

(l) stimulate, sponsor, provide for and/or supplement present programs for the conduct of research investigations, experiments, and demonstrations, in the exploration, extraction, processing, development, and production of minerals and the training of mineral engineers and scientists in the field of mining, minerals resources, and technology, and the establishment of an appropriate research and training center in various States; and

(m) wherever necessary, exercise the full reach of Federal constitutional powers to insure the protection of the public interest through effective control of surface coal mining operations.

TITLE II—OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

CREATION OF THE OFFICE

SEC. 201. (a) There is established in the Department of the Interior, the Office of Surface Mining Reclamation and Enforcement (hereinafter referred to as the "Office").

Establishment.
30 USC 1211.

(b) The Office shall have a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of the United States Code, and such other employees as may be required. Pursuant to section 5108, title 5, and after consultation with the Secretary, a majority of members of the Civil Service Commission shall determine the necessary number of positions in general schedule employees in grade 16, 17, and 18 to perform functions of this title and shall allocate such positions to the Secretary. The Director shall have the responsibilities provided under subsection (c) of this section and those duties and responsibilities relating to the functions of the Office which the Secretary may assign, consistent with this Act. Employees of the Office shall be recruited on the basis of their professional competence and capacity to administer the provisions of this Act. The Office may use, on a reimbursable basis when appropriate, employees of the Department and other Federal agencies to administer the provisions of this Act, providing that no legal authority, program, or function in any Federal agency which has as its purpose promoting the development or use of coal or other mineral resources or regulating the health and safety of miners under provisions of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742), shall be transferred to the Office.

Director.

5 USC 5315.

5 USC 5332 note.

30 USC 801 note.

(c) The Secretary, acting through the Office, shall—

(1) administer the programs for controlling surface coal mining operations which are required by this Act; review and approve or disapprove State programs for controlling surface coal mining operations and reclaiming abandoned mined lands; make those investigations and inspections necessary to insure compliance with this Act; conduct hearings, administer oaths, issue subpoenas, and compel the attendance of witnesses and production of written or printed material as provided for in this Act; issue cease-and-desist orders; review and vacate or modify or approve orders and decisions; and order the suspension, revocation, or withholding of any permit for failure to comply with any of the provisions of this Act or any rules and regulations adopted pursuant thereto;

Rules and
regulations.

(2) publish and promulgate such rules and regulations as may be necessary to carry out the purposes and provisions of this Act;

(3) administer the State grant-in-aid program for the development of State programs for surface and mining and reclamation operations provided for in title V of this Act;

(4) administer the program for the purchase and reclamation of abandoned and unreclaimed mined areas pursuant to title IV of this Act;

(5) administer the surface mining and reclamation research and demonstration project authority provided for in this Act;

(6) consult with other agencies of the Federal Government having expertise in the control and reclamation of surface mining operations and assist States, local governments, and other eligible agencies in the coordination of such programs;

(7) maintain a continuing study of surface mining and reclamation operations in the United States;

(8) develop and maintain an Information and Data Center on Surface Coal Mining, Reclamation, and Surface Impacts of Underground Mining, which will make such data available to the public and the Federal, regional, State, and local agencies conducting or concerned with land use planning and agencies concerned with surface and underground mining and reclamation operations;

(9) assist the States in the development of State programs for surface coal mining and reclamation operations which meet the requirements of the Act, and at the same time, reflect local requirements and local environmental and agricultural conditions;

(10) assist the States in developing objective scientific criteria and appropriate procedures and institutions for determining those areas of a State to be designated unsuitable for all or certain types of surface coal mining pursuant to section 522;

(11) monitor all Federal and State research programs dealing with coal extraction and use and recommend to Congress the research and demonstration projects and necessary changes in public policy which are designated to (A) improve feasibility of underground coal mining, and (B) improve surface mining and reclamation techniques directed at eliminating adverse environmental and social impacts;

(12) cooperate with other Federal agencies and State regulatory authorities to minimize duplication of inspections, enforcement, and administration of this Act; and

(13) perform such other duties as may be provided by law and relate to the purposes of this Act.

Post, p. 507.

Publication in
Federal Register.
30 USC 801 note.

(d) The Director shall not use either permanently or temporarily any person charged with responsibility of inspecting coal mines under the Federal Coal Mine Health and Safety Act of 1969, unless he finds and publishes such finding in the Federal Register, that such activities would not interfere with such inspections under the 1969 Act.

(e) The Office shall be considered an independent Federal regulatory agency for the purposes of sections 3502 and 3512 of title 44 of the United States Code.

Conflict of
interest.

(f) No employee of the Office or any other Federal employee performing any function or duty under this Act shall have a direct or indirect financial interest in underground or surface coal mining operations. Whoever knowingly violates the provisions of the above sentence shall, upon conviction, be punished by a fine of not more than \$2,500, or by imprisonment for not more than one year, or both.

Penalties.

The Director shall (1) within sixty days after enactment of this Act publish regulations, in accordance with section 553 of title 5, United States Code, to establish the methods by which the provisions of this subsection will be monitored and enforced, including appropriate provisions for the filing by such employees and the review of statements and supplements thereto concerning their financial interests which may be affected by this subsection, and (2) report to the Congress as part of the annual report (section 706) on the actions taken and not taken during the preceding calendar year under this subsection.

Regulations.

(g) (1) After the Secretary has adopted the regulations required by section 501 of this Act, any person may petition the Director to initiate a proceeding for the issuance, amendment, or repeal of a rule under this Act.

Report to Congress.
Post, p. 521.

Petition.

(2) Such petitions shall be filed in the principal office of the Director and shall set forth the facts which it is claimed established that it is necessary to issue, amend, or repeal a rule under this Act.

Filing.

(3) The Director may hold a public hearing or may conduct such investigation or proceeding as the Director deems appropriate in order to determine whether or not such petition should be granted.

Hearing or investigation.

(4) Within ninety days after filing of a petition described in paragraph (1), the Director shall either grant or deny the petition. If the Director grants such petition, the Director shall promptly commence an appropriate proceeding in accordance with the provisions of this Act. If the Director denies such petition, the Director shall so notify the petitioner in writing setting forth the reasons for such denial.

Notification.

TITLE III—STATE MINING AND MINERAL RESOURCES AND RESEARCH INSTITUTES

AUTHORIZATION OF STATE ALLOTMENTS TO INSTITUTES

SEC. 301. (a) There are authorized to be appropriated to the Secretary of the Interior sums adequate to provide for each participating State \$200,000 for fiscal year 1978, \$300,000 for fiscal year 1979, and \$400,000 for each fiscal year thereafter for five years, to assist the States in carrying on the work of a competent and qualified mining and mineral resources research institute, or center (hereinafter referred to as "institute") at one public college or university in the State which has in existence at the time of enactment of this title a school of mines, or division, or department conducting a program of substantial instruction and research in mining or minerals extraction or which establishes such a school of mines, or division, or department subsequent to the enactment of this title and which school of mines, or division or department shall have been in existence for at least two years. The Advisory Committee on Mining and Minerals Resources Research as created by this title shall determine a college or university to have an eligible school of mines, or division or department conducting a program of substantial instruction and research in mining or minerals extraction wherein education and research in the minerals engineering fields are being carried out and wherein at least four full-time permanent faculty members are employed: *Provided*, That—

30 USC 1221.

(1) such moneys when appropriated shall be made available to match, on a dollar-for-dollar basis, non-Federal funds which shall be at least equal to the Federal share to support the institute;

(2) if there is more than one such eligible college or university in a State, funds under this title shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid

to one such college or university designated by the Governor of the State; and

(3) where a State does not have a public college or university with an eligible school of mines, or division, or department conducting a program of substantial instruction and research in mining or mineral extraction, said advisory committee may allocate the State's allotment to one private college or university which it determines to have an eligible school of mines, or division, or department as provided herein.

(b) It shall be the duty of each such institute to plan and conduct and/or arrange for a component or components of the college or university with which it is affiliated to conduct competent research, investigations, demonstrations, and experiments of either a basic or practical nature, or both, in relation to mining and mineral resources and to provide for the training of mineral engineers and scientists through such research, investigations, demonstrations, and experiments. Such research, investigations, demonstrations, experiments, and training may include, without being limited; exploration; extraction; processing; and development; production of mineral resources; mining and mineral technology; supply and demand for minerals; conservation and best use of available supplies of minerals; the economic, legal, social, engineering, recreational, biological, geographic, ecological, and other aspects of mining, mineral resources, and mineral reclamation, having due regard to the interrelation on the natural environment, the varying conditions and needs of the respective States, and to mining and mineral resources research projects being conducted by agencies of the Federal and State governments, and other institutes.

RESEARCH FUNDS TO INSTITUTES

Appropriation
authorization.
30 USC 1222.

SEC. 302. (a) There is authorized to be appropriated annually for seven years to the Secretary of the Interior the sum of \$15,000,000 in fiscal year 1978, said sum increased by \$2,000,000 each fiscal year thereafter for six years, which shall remain available until expended. Such moneys when appropriated shall be made available to institutes to meet the necessary expenses for purposes of:

(1) specific mineral research and demonstration projects of industrywide application, which could not otherwise be undertaken, including the expenses of planning and coordinating regional mining and mineral resources research projects by two or more institutes, and

(2) research into any aspects of mining and mineral resources problems related to the mission of the Department of the Interior, which may be deemed desirable and are not otherwise being studied.

Application,
contents.

(b) Each application for a grant pursuant to subsection (a) of this section shall, among other things, state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the estimated costs, the importance of the project to the Nation, region, or State concerned, and its relation to other known research projects theretofore pursued or being pursued, and the extent to which it will provide opportunity for the training of mining and mineral engineers and scientists, and the extent of participation by nongovernmental sources in the project.

(c) The Secretary shall, insofar as it is practicable, utilize the facilities of institutes designated in section 301 of this title to perform such special research, authorized by this section, and shall select the

institutes for the performance of such special research on the basis of the qualifications without regard to race or sex of the personnel who will conduct and direct it, and on the basis of the facilities available in relation to the particular needs of the research project, special geographic, geologic, or climatic conditions within the immediate vicinity of the institute in relation to any special requirements of the research project, and the extent to which it will provide opportunity for training individuals as mineral engineers and scientists. The Secretary may designate and utilize such portions of the funds authorized to be appropriated by this section as he deems appropriate for the purpose of providing scholarships, graduate fellowships, and postdoctoral fellowships.

(d) No grant shall be made under subsection (a) of this section except for a project approved by the Secretary of the Interior and all grants shall be made upon the basis of merit of the project, the need for the knowledge which it is expected to produce when completed, and the opportunity it provides for the training of individuals as mineral engineers and scientists.

(e) No portion of any grant under this section shall be applied to the acquisition by purchase or lease of any land or interests therein or the rental, purchase, construction, preservation, or repair of any building.

FUNDING CRITERIA

SEC. 303. (a) Sums available to institutes under the terms of sections 301 and 302 of this title shall be paid at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. Each institute shall set forth its plan to provide for the training of individuals as mineral engineers and scientists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields; set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this title, and in no case supplant such funds; have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this title and shall make an annual report to the Secretary on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this title during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary. If any of the moneys received by the authorized receiving officer of any institute under the provisions of this title shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

(b) Moneys appropriated pursuant to this title shall be available for expenses for research, investigations, experiments, and training conducted under authority of this title. The institutes are hereby authorized and encouraged to plan and conduct programs under this title in cooperation with each other and with such other agencies and individuals as may contribute to the solution of the mining and mineral resources problems involved, and moneys appropriated pursuant to this title shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

Payment.
30 USC 1223.

Plan.

Annual report to
Secretary of the
Interior.

DUTIES OF THE SECRETARY

Consultation.
Rules and
regulations.
30 USC 1224.

SEC. 304. (a) The Secretary of the Interior is hereby charged with the responsibility for the proper administration of this title and, after full consultation with other interested Federal agencies, shall prescribe such rules and regulations as may be necessary to carry out its provisions. The Secretary shall furnish such advice and assistance as will best promote the purposes of this title, participate in coordinating research initiated under this title by the institutes, indicate to them such lines of inquiry as to him seem most important, and encourage and assist in the establishment and maintenance of cooperation by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

(b) On or before the 1st day of July in each year after the passage of this title, the Secretary shall ascertain whether the requirements of section 303(a) have been met as to each institute and State.

Annual report to
Congress.

(c) The Secretary shall make an annual report to the Congress of the receipts, expenditures, and work of the institutes in all States under the provisions of this title. The Secretary's report shall indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reason therefor.

AUTONOMY

30 USC 1225.

SEC. 305. Nothing in this title shall be construed to impair or modify the legal relationship existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this title shall in any way be construed to authorize Federal control or direction of education at any college or university.

MISCELLANEOUS PROVISIONS

30 USC 1226.

SEC. 306. (a) The Secretary of the Interior shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with mining and mineral resources, of State and local governments, and of private institutions and individuals to assure that the programs authorized in this title will supplement and not duplicate established mining and minerals research programs, to stimulate research in otherwise neglected areas, and to contribute to a comprehensive nationwide program of mining and minerals research, having due regard for the protection and conservation of the environment. The Secretary shall make generally available information and reports on projects completed, in progress, or planned under the provisions of this title, in addition to any direct publication of information by the institutes themselves.

Information,
availability to
public.

(b) Nothing in this title is intended to give or shall be construed as giving the Secretary of the Interior any authority over mining and mineral resources research conducted by any agency of the Federal Government, or as repealing, superseding, or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with mining and mineral resources.

Contracts.

(c) Contracts or other arrangements for mining and mineral resources research work authorized under this title with an institute, educational institution, or nonprofit organization may be undertaken

without regard to the provisions of section 3684 of the Revised Statutes (31 U.S.C. 529) when, in the judgment of the Secretary of the Interior, advance payments of initial expense are necessary to facilitate such work: *Provided*, That authority to make payments under this subsection shall be effective only to such extent or in such amounts as are provided in advance by appropriation Acts.

(d) No research, demonstration, or experiment shall be carried out under this Act by an institute financed by grants under this Act, unless all uses, products, processes, patents, and other developments resulting therefrom, with such exception or limitation, if any, as the Secretary may find necessary in the public interest, be available promptly to the general public. Nothing contained in this section shall deprive the owner of any background patent relating to any such activities of any rights which that owner may have under that patent. There are authorized to be appropriated such sums as are necessary for the printing and publishing of the results of activities carried out by institutes under the provisions of this Act and for administrative planning and direction, but such appropriations shall not exceed \$1,000,000 in any fiscal year: *Provided*, That no new budget authority is authorized to be appropriated for fiscal year 1977.

Research, results available to public.

Appropriation authorization.

CENTER FOR CATALOGING

SEC. 307. The Secretary shall establish a center for cataloging current and projected scientific research in all fields of mining and mineral resources. Each Federal agency doing mining and mineral resources research shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for public use a catalog of mining and mineral resources research and investigation projects in progress or scheduled by all Federal agencies and by such non-Federal agencies of government, colleges, universities, private institutions, firms, and individuals as may make such information available.

30 USC 1227.

INTERAGENCY COOPERATION

SEC. 308. The President shall, by such means as he deems appropriate, clarify agency responsibility for Federal mining and mineral resources research and provide for interagency coordination of such research, including the research authorized by this title. Such coordination shall include—

30 USC 1228.

(a) continuing review of the adequacy of the Government-wide program in mining and mineral resources research;

(b) identification and elimination of duplication and overlap between two or more agency programs;

(c) identification of technical needs in various mining and mineral resources research categories;

(d) recommendations with respect to allocation of technical effort among Federal agencies;

(e) review of technical manpower needs and findings concerning management policies to improve the quality of the Government-wide research effort; and

(f) actions to facilitate interagency communication at management levels.

ADVISORY COMMITTEE

SEC. 309. (a) The Secretary of the Interior shall appoint an Advisory Committee on Mining and Mineral Research composed of—

Advisory Committee on Mining and Mineral Research, appointment.
30 USC 1229.

- (1) the Director, Bureau of Mines, or his delegate, with his consent;
- (2) the Director of the National Science Foundation, or his delegate, with his consent;
- (3) the President, National Academy of Sciences, or his delegate, with his consent;
- (4) the President, National Academy of Engineering, or his delegate, with his consent;
- (5) the Director, United States Geological Survey, or his delegate, with his consent; and
- (6) not more than four other persons who are knowledgeable in the fields of mining and mineral resources research, at least one of whom shall be a representative of working coal miners.
- Chairman. (b) The Secretary shall designate the Chairman of the Advisory
Consultation and Committee. The Advisory Committee shall consult with, and make
recommendations. recommendations to, the Secretary of the Interior on all matters
involving or relating to mining and mineral resources research and
such determinations as provided in this title. The Secretary of the
Interior shall consult with, and consider recommendations of such
Committee in the conduct of mining and mineral resources research
and the making of any grant under this title.
- Compensation (c) Advisory Committee members, other than officers or employees
and travel of Federal, State, or local governments, shall be, for each day (including
expenses. traveltime) during which they are performing committee business,
entitled to receive compensation at a rate fixed by the Secretary but
not in excess of the maximum rate of pay for grade GS-18 as provided
5 USC 5332 note. in the General Schedule under section 5332 of title 5 of the United
States Code, and shall, notwithstanding the limitations of sections
5703 and 5704 of title 5, United States Code, be fully reimbursed for
travel, subsistence, and related expenses.

TITLE IV—ABANDONED MINE RECLAMATION

ABANDONED MINE RECLAMATION FUND AND PURPOSES

- Federal and State (a) There is created on the books of the Treasury of the
abandoned mine United States a trust fund to be known as the Abandoned Mine Reclamation
reclamation Fund (hereinafter referred to as the "fund") which shall be
funds. administered by the Secretary of the Interior. State abandoned mine
30 USC 1231. reclamation funds (State funds) generated by grants from this title
shall be established by each State pursuant to an approved State
program.
- Deposits. (b) The fund shall consist of amounts deposited in the fund, from
time to time derived from—
- Reclamation fees. (1) the reclamation fees levied under section 402 of this Act:
Provided, That an amount not to exceed 10 per centum of such
reclamation fees collected for any calendar quarter shall be
reserved beginning in the first calendar year in which the fee is
imposed and continuing for the remainder of that fiscal year and
for the period in which such fee is imposed by law, for the purpose
of section 507(c), subject to appropriation pursuant to authorization
under section 712: *Provided further*, That not more than
\$10,000,000 shall be available for such purposes;
- User charges. (2) any user charge imposed on or for land reclaimed pursuant
to this title, after expenditures for maintenance have been
deducted;
- Donations. (3) donations by persons, corporations, associations, and foundations
for the purposes of this title; and

- (4) recovered moneys as provided for in this title.
- (c) Moneys in the fund may be used for the following purposes:
- (1) reclamation and restoration of land and water resources adversely affected by past coal mining, including but not limited to reclamation and restoration of abandoned surface mine areas, abandoned coal processing areas, and abandoned coal refuse disposal areas; sealing and filling abandoned deep mine entries and voids; planting of land adversely affected by past coal mining to prevent erosion and sedimentation; prevention, abatement, treatment, and control of water pollution created by coal mine drainage including restoration of stream beds, and construction and operation of water treatment plants; prevention, abatement, and control of burning coal refuse disposal areas and burning coal in situ; and prevention, abatement, and control of coal mine subsidence;
 - (2) for use under section 406, by the Secretary of Agriculture, of up to one-fifth of the money deposited in the funds annually and transferred by the Secretary of the Interior to the Secretary of Agriculture for such purposes;
 - (3) acquisition and filling of voids and sealing of tunnels, shafts, and entryways under section 409;
 - (4) acquisition of land as provided for in this title;
 - (5) enforcement and collection of the reclamation fee provided for in section 402 of this title;
 - (6) studies by the Department of the Interior by contract to such extent or in such amounts as are provided in appropriation Acts with public and private organizations to provide information, advice, and technical assistance, including research and demonstration projects, conducted for the purposes of this title;
 - (7) restoration, reclamation, abatement, control, or prevention of adverse effects of coal mining which constitutes an emergency as provided for in this title;
 - (8) grants to the States to accomplish the purposes of this title;
 - (9) administrative expenses of the United States and each State to accomplish the purposes of this title; and
 - (10) all other necessary expenses to accomplish the purposes of this title.

(d) Moneys from the fund shall be available for the purposes of this title, only when appropriated therefor, and such appropriations shall be made without fiscal year limitations.

RECLAMATION FEE

SEC. 402. (a) All operators of coal mining operations subject to the provisions of this Act shall pay to the Secretary of the Interior, for deposit in the fund, a reclamation fee of 35 cents per ton of coal produced by surface coal mining and 15 cents per ton of coal produced by underground mining or 10 per centum of the value of the coal at the mine, as determined by the Secretary, whichever is less, except that the reclamation fee for lignite coal shall be at a rate of 2 per centum of the value of the coal at the mine, or 10 cents per ton, whichever is less.

(b) Such fee shall be paid no later than thirty days after the end of each calendar quarter beginning with the first calendar quarter occurring after the date of enactment of this Act, and ending fifteen years after the date of enactment of this Act unless extended by an Act of Congress.

Recovered
moneys.
Fund moneys,
use.

Payment.
30 USC 1232.

Statements.

(c) Together with such reclamation fee, all operators of coal mine operations shall submit a statement of the amount of coal produced during the calendar quarter, the method of coal removal and the type of coal, the accuracy of which shall be sworn to by the operator and notarized.

Penalty.

(d) Any person, corporate officer, agent or director, on behalf of a coal mine operator, who knowingly makes any false statement, representation or certification, or knowingly fails to make any statement, representation or certification required in this section shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than one year, or both.

(e) Any portion of the reclamation fee not properly or promptly paid pursuant to this section shall be recoverable, with statutory interest, from coal mine operators, in any court of competent jurisdiction in any action at law to compel payment of debts.

(f) All Federal and State agencies shall fully cooperate with the Secretary of the Interior in the enforcement of this section.

Geographic allocation.

(g) (1) The geographic allocation of expenditures from the fund shall reflect both the area from which the revenue was derived as well as the national program needs for the funds.

State or Indian reservation, allocation.

(2) Fifty per centum of the funds collected annually in any State or Indian reservation shall be allocated to that State or Indian reservation by the Secretary pursuant to any approved abandoned mine reclamation program to accomplish the purposes of this title. Where the Governor of a State or the head of a governing body of a tribe certifies that (i) objectives of the fund set forth in sections 403 and 409 have been achieved, (ii) there is a need for construction of specific public facilities in communities impacted by coal development, (iii) impact funds which may be available under provisions of the Federal Mineral Leasing Act of 1920, as amended, or the Act of October 20, 1976, Public Law 94-565 (90 Stat. 2662), are inadequate for such construction, and (iv) the Secretary concurs in such certification, then the Secretary may continue to allocate all or part of the 50 per centum share to that State or tribe for such construction: *Provided, however*, That if funds under this subparagraph (2) have not been expended within three years after their allocation, they shall be available for expenditure in any eligible area as determined by the Secretary.

30 USC 181 note.
31 USC 1601 *et seq.*

(3) The balance of funds collected on an annual basis may be expended in any State at the discretion of the Secretary in order to meet the purposes of this title. Such funds may be expended directly by the Secretary or by making additional grants to approved State reclamation programs pursuant to section 405 when the Secretary finds that such programs are the best means of accomplishing the specific reclamation projects. The Secretary shall consult and coordinate with the respective States those projects funded directly or in conjunction with other Federal agencies.

OBJECTIVES OF FUND

30 USC 1233.

SEC. 403. Expenditure of moneys from the fund on lands and water eligible pursuant to section 404 for the purposes of this title shall reflect the following priorities in the order stated:

(1) the protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices;

(2) the protection of public health, safety, and general welfare from adverse effects of coal mining practices;

(3) the restoration of land and water resources and the environment previously degraded by adverse effects of coal mining practices including measures for the conservation and development of soil, water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity.

(4) research and demonstration projects relating to the development of surface mining reclamation and water quality control program methods and techniques;

(5) the protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by coal mining practices;

(6) the development of publicly owned land adversely affected by coal mining practices including land acquired as provided in this title for recreation and historic purposes, conservation, and reclamation purposes and open space benefits.

ELIGIBLE LANDS AND WATER

SEC. 404. Lands and water eligible for reclamation or drainage abatement expenditures under this title are those which were mined for coal or which were affected by such mining, wastebanks, coal processing, or other coal mining processes, and abandoned or left in an inadequate reclamation status prior to the date of enactment of this Act, and for which there is no continuing reclamation responsibility under State or other Federal laws. 30 USC 1234.

STATE RECLAMATION PROGRAMS

SEC. 405. (a) Not later than the end of the one hundred and eighty-day period immediately following the date of enactment of this Act, the Secretary shall promulgate and publish in the Federal Register regulations covering implementation of an abandoned mine reclamation program incorporating the provisions of title IV and establishing procedures and requirements for preparation, submission, and approval of State programs consisting of the plan and annual submissions of projects. Publication in Federal Register. 30 USC 1235.

(b) Each State having within its borders coal mined lands eligible for reclamation under this title, may submit to the Secretary a State Reclamation Plan and annual projects to carry out the purposes of this title. State Reclamation Plan.

(c) The Secretary shall not approve, fund, or continue to fund a State abandoned mine reclamation program unless that State has an approved State regulatory program pursuant to section 503 of this Act.

(d) If the Secretary determines that a State has developed and submitted a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of this title, sections 402 and 410 excepted, the Secretary shall approve such State program and shall grant to the State exclusive responsibility and authority to implement the provisions of the approved program: *Provided*, That the Secretary shall withdraw such approval and authorization if he determines upon the basis of information provided under this section that the State program is not in compliance with the procedures, guidelines, and requirements established under subsection 405(a).

(e) Each State Reclamation Plan shall generally identify the areas to be reclaimed, the purposes for which the reclamation is proposed,

the relationship of the lands to be reclaimed and the proposed reclamation to surrounding areas, the specific criteria for ranking and identifying projects to be funded, and the legal authority and programmatic capability to perform such work in conformance with the provisions of this title.

Application.

(f) On an annual basis, each State having an approved State Reclamation Plan may submit to the Secretary an application for the support of the State program and implementation of specific reclamation projects. Such annual requests shall include such information as may be requested by the Secretary including:

Contents.

- (1) a general description of each proposed project;
- (2) a priority evaluation of each proposed project;
- (3) a statement of the estimated benefits in such terms as: number of acres restored, miles of stream improved, acres of surface lands protected from subsidence, population protected from subsidence, air pollution, hazards of mine and coal refuse disposal area fires;
- (4) an estimate of the cost for each proposed project;
- (5) in the case of proposed research and demonstration projects, a description of the specific techniques to be evaluated or objective to be attained;
- (6) an identification of lands or interest therein to be acquired and the estimated cost; and
- (7) in each year after the first in which a plan is filed under this title, an inventory of each project funded under the previous year's grant: which inventory shall include details of financial expenditures on such project together with a brief description of each such project, including project locations, landowner's name, acreage, type of reclamation performed.

(g) The costs for each proposed project under this section shall include: actual construction costs, actual operation and maintenance costs of permanent facilities, planning and engineering costs, construction inspection costs, and other necessary administrative expenses.

(h) Upon approved of State Reclamation Plan by the Secretary and of the surface mine regulatory program pursuant to section 503, the Secretary shall grant, on an annual basis, funds to be expended in such State pursuant to subsection 402(g) and which are necessary to implement the State reclamation program as approved by the Secretary.

**Program
monitorship.**

(i) The Secretary, through his designated agents, will monitor the progress and quality of the program. The States shall not be required at the start of any project to submit complete copies of plans and specifications.

**Annual and other
reports.**

(j) The Secretary shall require annual and other reports as may be necessary to be submitted by each State administering the approved State reclamation program with funds provided under this title. Such reports shall include that information which the Secretary deems necessary to fulfill his responsibilities under this title.

(k) Indian tribes having within their jurisdiction eligible lands pursuant to section 404 or from which coal is produced, shall be considered as a "State" for the purposes of this title.

RECLAMATION OF RURAL LANDS

**Agreements.
30 USC 1236.**

SEC. 406. (a) In order to provide for the control and prevention of erosion and sediment damages from unreclaimed mined lands, and to promote the conservation and development of soil and water resources

of unreclaimed mined lands and lands affected by mining, the Secretary of Agriculture is authorized to enter into agreements of not more than ten years with landowners including owners of water rights), residents, and tenants, and individually or collectively, determined by him to have control for the period of the agreement of lands in question therein, providing for land stabilization, erosion, and sediment control, and reclamation through conservation treatment, including measures for the conservation and development of soil, water (excluding stream channelization), woodland, wildlife, and recreation resources, and agricultural productivity of such lands. Such agreements shall be made by the Secretary with the owners, including owners of water rights, residents, or tenants (collectively or individually) of the lands in question.

(b) The landowner, including the owner of water rights, resident, or tenant shall furnish to the Secretary of Agriculture a conservation and development plan setting forth the proposed land uses and conservation treatment which shall be mutually agreed by the Secretary of Agriculture and the landowner, including owner of water rights, resident, or tenant to be needed on the lands for which the plan was prepared. In those instances where it is determined that the water rights or water supply of a tenant, landowner, including owner of water rights, resident, or tenant have been adversely affected by a surface or underground coal mine operation which has removed or disturbed a stratum so as to significantly affect the hydrologic balance, such plan may include proposed measures to enhance water quality or quantity by means of joint action with other affected landowners, including owner of water rights, residents, or tenants in consultation with appropriate State and Federal agencies.

Plan, submittal to Secretary of Agriculture.

(c) Such plan shall be incorporated in an agreement under which the landowner, including owner of water rights, resident, or tenant shall agree with the Secretary of Agriculture to effect the land uses and conservation treatment provided for in such plan on the lands described in the agreement in accordance with the terms and conditions thereof.

(d) In return for such agreement by the landowner, including owner of water rights, resident, or tenant, the Secretary of Agriculture is authorized to furnish financial and other assistance to such landowner, including owner of water rights, resident, or tenant, in such amounts and subject to such conditions as the Secretary of Agriculture determines are appropriate in the public interest for carrying out the land use and conservation treatment set forth in the agreement. Grants made under this section, depending on the income-producing potential of the land after reclaiming, shall provide up to 80 per centum of the cost of carrying out such land uses and conservation treatment on not more than one hundred and twenty acres of land occupied by such owner, including water rights owners, resident, or tenant, or on not more than one hundred and twenty acres of land which has been purchased jointly by such landowners, including water rights owners, residents, or tenants, under an agreement for the enhancement of water quality or quantity or on land which has been acquired by an appropriate State or local agency for the purpose of implementing such agreement; except the Secretary may reduce the matching cost share where he determines that (1) the main benefits to be derived from the project are related to improving offsite water quality, offsite esthetic values, or other offsite benefits, and (2) the matching share requirement would place a burden on the landowner which would probably prevent him from participating in the program: *Provided, however*, That the Secretary of Agriculture may allow for

Assistance.

Acres limitation.

land use and conservation treatment on such lands occupied by any such owner in excess of such one hundred and twenty acre limitation up to three hundred and twenty acres, but in such event the amount of the grant to such landowner to carry out such reclamation on such lands shall be reduced proportionately.

Termination.

(e) The Secretary of Agriculture may terminate any agreement with a landowner including water rights owners, operator, or occupier by mutual agreement if the Secretary of Agriculture determines that such termination would be in the public interest, and may agree to such modification of agreements previously entered into hereunder as he deems desirable to carry out the purposes of this section or to facilitate the practical administration of the program authorized herein.

(f) Notwithstanding any other provision of law, the Secretary of Agriculture, to the extent he deems it desirable to carry out the purposes of this section, may provide in any agreement hereinunder for (1) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage, and allotment history applicable to land covered by the agreement for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of such crop; or (2) surrender of any such history and allotments.

Rules and regulations.

(g) The Secretary of Agriculture shall be authorized to issue such rules and regulations as he determines are necessary to carry out the provisions of this section.

(h) In carrying out the provisions of this section, the Secretary of Agriculture shall utilize the services of the Soil Conservation Service.

Funds, availability.

(i) Funds shall be made available to the Secretary of Agriculture for the purposes of this section, as provided in section 401.

ACQUISITION AND RECLAMATION OF LAND ADVERSELY AFFECTED BY PAST COAL MINING PRACTICES

**Finding of fact.
30 USC 1237.**

SEC. 407. (a) If the Secretary or the State pursuant to an approved State program, makes a finding of fact that—

(1) land or water resources have been adversely affected by past coal mining practices; and

(2) the adverse effects are at a stage where, in the public interest, action to restore, reclaim, abate, control, or prevent should be taken; and

(3) the owners of the land or water resources where entry must be made to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices are not known, or readily available; or

(4) the owners will not give permission for the United States, the States, political subdivisions, their agents, employees, or contractors to enter upon such property to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices.

**Affected lands,
right of entry.
Notice.**

Then, upon giving notice by mail to the owners if known or if not known by posting notice upon the premises and advertising once in a newspaper of general circulation in the municipality in which the land lies, the Secretary, his agents, employees, or contractors, or the State pursuant to an approved State program, shall have the right to enter upon the property adversely affected by past coal mining practices and any other property to have access to such property to do all things necessary or expedient to restore, reclaim, abate, control, or

prevent the adverse effects. Such entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and shall not be construed as an act of condemnation of property nor of trespass thereon. The moneys expended for such work and the benefits accruing to any such premises so entered upon shall be chargeable against such land and shall mitigate or offset any claim in or any action brought by any owner of any interest in such premises for any alleged damages by virtue of such entry: *Provided, however,* That this provision is not intended to create new rights of action or eliminate existing immunities.

(b) The Secretary, his agents, employees, or contractors or the State pursuant to an approved State program, shall have the right to enter upon any property for the purpose of conducting studies or exploratory work to determine the existence of adverse effects of past coal mining practices and to determine the feasibility of restoration, reclamation, abatement, control, or prevention of such adverse effects. Such entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and shall not be construed as an act of condemnation of property nor trespass thereon.

Studies or
exploratory work.

(c) The Secretary or the State pursuant to an approved State program, may acquire any land, by purchase, donation, or condemnation, which is adversely affected by past coal mining practices if the Secretary determines that acquisition of such land is necessary to successful reclamation and that—

Land acquisition.

(1) the acquired land, after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices, will serve recreation and historic purposes, conservation and reclamation purposes or provide open space benefits; and

(2) permanent facilities such as a treatment plant or a relocated stream channel will be constructed on the land for the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices; or

(3) acquisition of coal refuse disposal sites and all coal refuse thereon will serve the purposes of this title or that public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effects of past coal mining practices.

(d) Title to all lands acquired pursuant to this section shall be in the name of the United States or, if acquired by a State pursuant to an approved program, title shall be in the name of the State. The price paid for land acquired under this section shall reflect the market value of the land as adversely affected by past coal mining practices.

Title.

Fair market
value.

(e) States are encouraged as part of their approved State programs, to reclaim abandoned and unreclaimed mined lands within their boundaries and, if necessary, to acquire or to transfer such lands to the Secretary or the appropriate State regulatory authority under appropriate Federal regulations. The Secretary is authorized to make grants on a matching basis to States in such amounts as he deems appropriate for the purpose of carrying out the provisions of this title but in no event shall any grant exceed 90 per centum of the cost of acquisition of the lands for which the grant is made. When a State has made any such land available to the Federal Government under this title, such State shall have a preference right to purchase such lands after reclamation at fair market value less the State portion of the original acquisition price. Notwithstanding the provisions of paragraph (1), of this subsection, reclaimed land may be sold to the State or local

Grants.

government in which it is located at a price less than fair market value, which in no case shall be less than the cost to the United States of the purchase and reclamation of the land, as negotiated by the Secretary, to be used for a valid public purpose. If any land sold to a State or local government under this paragraph is not used for a valid public purpose as specified by the Secretary in the terms of the sales agreement then all right, title, and interest in such land shall revert to the United States. Money received from such sale shall be deposited in the fund.

(f) The Secretary, in formulating regulations for making grants to the States to acquire land pursuant to this section, shall specify that acquired land meet the criteria provided for in subsections (c) and (d) of this section. The Secretary may provide by regulation that money derived from the lease, rental, or user charges of such acquired land and facilities thereon will be deposited in the fund.

(g) (1) Where land acquired pursuant to this section is deemed to be suitable for industrial, commercial, residential, or recreational development, the Secretary may sell or authorize the States to sell such land by public sale under a system of competitive bidding, at not less than fair market value and under such other regulations promulgated to insure that such lands are put to proper use consistent with local and State land use plans, if any, as determined by the Secretary.

Notice and
hearing.

(2) The Secretary or the State pursuant to an approved State program, when requested after appropriate public notice shall hold a public hearing, with the appropriate notice, in the county or counties or the appropriate subdivisions of the State in which lands acquired pursuant to this section are located. The hearings shall be held at a time which shall afford local citizens and governments the maximum opportunity to participate in the decision concerning the use of disposition of the lands after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices.

Disabled,
displaced or
dislocated
persons, housing
construction or
rehabilitation.

(h) In addition to the authority to acquire land under subsection (d) of this section the Secretary is authorized to use money in the fund to acquire land by purchase, donation, or condemnation, and to reclaim and transfer acquired land to any State or to a political subdivision thereof, or to any person, firm, association, or corporation, if he determines that such is an integral and necessary element of an economically feasible plan for the project to construct or rehabilitate housing for persons disabled as the result of employment in the mines or work incidental thereto, persons displaced by acquisition of land pursuant to this section, or persons dislocated as the result of adverse effects of coal mining practices which constitute an emergency as provided in section 410 or persons dislocated as the result of natural disasters or catastrophic failures from any cause. Such activities shall be accomplished under such terms and conditions as the Secretary shall require, which may include transfers of land with or without monetary consideration: *Provided*, That, to the extent that the consideration is below the fair market value of the land transferred, no portion of the difference between the fair market value and the consideration shall accrue as a profit to such persons, firm, association, or corporation. No part of the funds provided under this title may be used to pay the actual construction costs of housing. The Secretary may carry out the purposes of this subsection directly or he may make grants and commitments for grants, and may advance money under such terms and conditions as he may require to any State, or any department, agency, or instrumentality of a State, or any public body or nonprofit organization designated by a State.

Grants.

LIENS

SEC. 408. (a) Within six months after the completion of projects to restore, reclaim, abate, control, or prevent adverse effects of past coal mining practices on privately owned land, the Secretary or the State, pursuant to an approved State program, shall itemize the moneys so expended and may file a statement thereof in the office of the county in which the land lies which has the responsibility under local law for the recording of judgments against land, together with a notarized appraisal by an independent appraiser of the value of the land before the restoration, reclamation, abatement, control, or prevention of adverse effects of past coal mining practices if the moneys so expended shall result in a significant increase in property value. Such statement shall constitute a lien upon the said land. The lien shall not exceed the amount determined by the appraisal to be the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices. No lien shall be filed against the property of any person, in accordance with this subsection, who owned the surface prior to May 2, 1977, and who neither consented to nor participated in nor exercised control over the mining operation which necessitated the reclamation performed hereunder.

Filing.
30 USC 1238.

(b) The landowner may proceed as provided by local law to petition within sixty days of the filing of the lien, to determine the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices. The amount reported to be the increase in value of the premises shall constitute the amount of the lien and shall be recorded with the statement herein provided. Any party aggrieved by the decision may appeal as provided by local law.

Petition.

(c) The lien provided in this section shall be entered in the county office in which the land lies and which has responsibility under local law for the recording of judgments against land. Such statement shall constitute a lien upon the said land as of the date of the expenditure of the moneys and shall have priority as a lien second only to the lien of real estate taxes imposed upon said land.

Recordation.

FILLING VOIDS AND SEALING TUNNELS

SEC. 409. (a) The Congress declares that voids, and open and abandoned tunnels, shafts, and entryways resulting from any previous mining operation, constitute a hazard to the public health or safety and that surface impacts of any underground or surface mining operation may degrade the environment. The Secretary, at the request of the Governor of any State, or the chairman of any tribe, is authorized to fill such voids, seal such abandoned tunnels, shafts, and entryways, and reclaim surface impacts of underground or surface mines which the Secretary determines could endanger life and property, constitute a hazard to the public health and safety, or degrade the environment. State regulatory authorities are authorized to carry out such work pursuant to an approved abandoned mine reclamation program.

30 USC 1239.

(b) Funds available for use in carrying out the purpose of this section shall be limited to those funds which must be allocated to the respective States or Indian reservations under the provisions of subsection 402(g).

(c) The Secretary may make expenditures and carry out the purposes of this section without regard to provisions of section 404 in such States or Indian reservations where requests are made by the Governor

or tribal chairman and only after all reclamation with respect to abandoned coal lands or coal development impacts have been met, except for those reclamation projects relating to the protection of the public health or safety.

(d) In those instances where mine waste piles are being reworked for conservation purposes, the incremental costs of disposing of the wastes from such operations by filling voids and sealing tunnels may be eligible for funding providing that the disposal of these wastes meets the purposes of this section.

Land acquisition.

(e) The Secretary may acquire by purchase, donation, easement, or otherwise such interest in land as he determines necessary to carry out the provisions of this section.

EMERGENCY POWERS

30 USC 1240.

SEC. 410. (a) The Secretary is authorized to expend moneys from the fund for the emergency restoration, reclamation, abatement, control, or prevention of adverse effects of coal mining practices, on eligible lands, if the Secretary makes a finding of fact that—

(1) an emergency exists constituting a danger to the public health, safety, or general welfare; and

(2) no other person or agency will act expeditiously to restore, reclaim, abate, control, or prevent the adverse effects of coal mining practices.

Right of entry.

(b) The Secretary, his agents, employees, and contractors shall have the right to enter upon any land where the emergency exists and any other land to have access to the land where the emergency exists to restore, reclaim, abate, control, or prevent the adverse effects of coal mining practices and to do all things necessary or expedient to protect the public health, safety, or general welfare. Such entry shall be construed as an exercise of the police power and shall not be construed as an act of condemnation of property nor of trespass thereof. The moneys expended for such work and the benefits accruing to any such premises so entered upon shall be chargeable against such land and shall mitigate or offset any claim in or any action brought by any owner of any interest in such premises for any alleged damages by virtue of such entry: *Provided, however*, That this provision is not intended to create new rights of action or eliminate existing immunities.

FUND REPORT

Report to
Congress.
30 USC 1241.

SEC. 411. Not later than January 1, 1978, and annually thereafter, the Secretary or the State pursuant to an approved State program, shall report to the Congress on operations under the fund together with his recommendations as to future uses of the fund.

MISCELLANEOUS POWERS

30 USC 1242.

SEC. 412. (a) The Secretary or the State pursuant to an approved State program, shall have the power and authority, if not granted it otherwise, to engage in any work and to do all things necessary or expedient, including promulgation of rules and regulations, to implement and administer the provisions of this title.

(b) The Secretary or the State pursuant to an approved State program, shall have the power and authority to engage in cooperative projects under this title with any other agency of the United States of America, any State and their governmental agencies.

(c) The Secretary or the State pursuant to an approved State program, may request the Attorney General, who is hereby authorized to initiate, in addition to any other remedies provided for in this title, in any court of competent jurisdiction, an action in equity for an injunction to restrain any interference with the exercise of the right to enter or to conduct any work provided in this title.

(d) The Secretary or the State pursuant to an approved State program, shall have the power and authority to construct and operate a plant or plants for the control and treatment of water pollution resulting from mine drainage. The extent of this control and treatment may be dependent upon the ultimate use of the water: *Provided*, That the above provisions of this paragraph shall not be deemed in any way to repeal or supersede any portion of the Federal Water Pollution Control Act (33 U.S.C.A. 1151, et seq. as amended) and no control or treatment under this subsection shall in any way be less than that required under the Federal Water Pollution Control Act. The construction of a plant or plants may include major interceptors and other facilities appurtenant to the plant.

33 USC 1251
note.

(e) The Secretary may transfer funds to other appropriate Federal agencies, in order to carry out the reclamation activities authorized by this title.

Funds, transfer.

INTERAGENCY COOPERATION

SEC. 413. All departments, boards, commissioners, and agencies of the United States of America shall cooperate with the Secretary by providing technical expertise, personnel, equipment, materials, and supplies to implement and administer the provisions of this title.

30 USC 1243.

TITLE V—CONTROL OF THE ENVIRONMENTAL IMPACTS OF SURFACE COAL MINING

ENVIRONMENTAL PROTECTION STANDARDS

SEC. 501. (a) Not later than the end of the ninety-day period immediately following the date of enactment of this Act, the Secretary shall promulgate and publish in the Federal Register regulations covering an interim regulatory procedure for surface coal mining and reclamation operations setting mining and reclamation performance standards based on and incorporating the provisions set out in section 502(c) of this Act. The issuance of the interim regulations shall be deemed not to be a major Federal action within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). Such regulations, which shall be concise and written in plain, understandable language shall not be promulgated and published by the Secretary until he has—

Regulations.
Publication in
Federal Register.
30 USC 1251.

(A) published proposed regulations in the Federal Register and afforded interested persons and State and local governments a period of not less than thirty days after such publication to submit written comments thereon;

(B) obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those regulations promulgated under this section which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151-1175), and the Clean Air Act, as amended (42 U.S.C. 1857 et seq.); and

33 USC 1251
note.

Hearing.

(C) held at least one public hearing on the proposed regulations.

The date, time, and place of any hearing held on the proposed regulations shall be set out in the publication of the proposed regulations. The Secretary shall consider all comments and relevant data presented at such hearing before final promulgation and publication of the regulations.

Publication in
Federal Register.

(b) Not later than one year after the enactment of this Act, the Secretary shall promulgate and publish in the Federal Register regulations covering a permanent regulatory procedure for surface coal mining and reclamation operations performance standards based on and conforming to the provisions of title V and establishing procedures and requirements for preparation, submission, and approval of State programs; and development and implementation of Federal programs under the title. The Secretary shall promulgate these regulations, which shall be concise and written in plain, understandable language in accordance with the procedures in section 501(a).

INITIAL REGULATORY PROCEDURES

Permits.
30 USC 1252.

SEC. 502. (a) No person shall open or develop any new or previously mined or abandoned site for surface coal mining operations on lands on which such operations are regulated by a State unless such person has obtained a permit from the State's regulatory authority.

(b) All surface coal mining operations on lands on which such operations are regulated by a State which commence operations pursuant to a permit issued on or after six months from the date of enactment of this Act shall comply, and such permits shall contain terms requiring compliance with, the provisions set out in subsection (c) of this section. Prior to final disapproval of a State program or prior to promulgation of a Federal program or a Federal lands program pursuant to this Act, a State may issue such permits.

Post, p. 486.

(c) On and after nine months from the date of enactment of this Act, all surface coal mining operations on lands on which such operations are regulated by a State shall comply with the provisions of subsections 515(b)(2), 515(b)(3), 515(b)(5), 515(b)(10), 515(b)(13), 515(b)(15), 515(b)(19), and 515(d) of this Act or, where a surface coal mining operation will remove an entire coal seam or seams running through the upper fraction of a mountain, ridge, or hill by removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining, such operation shall comply with the requirements of section 515(c)(4) and (5) without regard to the requirements of section 515(b)(3) or 515(d)(2) and (3), with respect to lands from which overburden and the coal seam being mined have not been removed: *Provided, however*, That surface coal mining operations in operation pursuant to a permit issued by a State before the date of enactment of this Act, issued to a person as defined in section 701(19) in existence prior to May 2, 1977 and operated by a person whose total annual production of coal from surface and underground coal mining operations does not exceed one hundred thousand tons shall not be subject to the provisions of this subsection except with reference to the provision of subsection 515(d)(1) until January 1, 1979.

Limitation.

Post, p. 516.

Permit
application.

(d) Not later than two months following the approval of a State program pursuant to section 503 or the implementation of a Federal program pursuant to section 504, regardless of litigation contesting that approval or implementation, all operators of surface coal mines in

expectation of operating such mines after the expiration of eight months from the approval of a State program or the implementation of a Federal program, shall file an application for a permit with the regulatory authority. Such application shall cover those lands to be mined after the expiration of eight months from the approval of a State program or the implementation of a Federal program. The regulatory authority shall process such applications and grant or deny a permit within eight months after the date of approval of the State program or the implementation of the Federal program, unless specially enjoined by a court of competent jurisdiction, but in no case later than forty-two months from the date of enactment of this Act.

(e) Within six months after the date of enactment of this Act, the Secretary shall implement a Federal enforcement program which shall remain in effect in each State as surface coal mining operations are required to comply with the provisions of this Act, until the State program has been approved pursuant to this Act or until a Federal program has been implemented pursuant to this Act. The enforcement program shall—

Federal
enforcement
program.

(1) include inspections of surface coal mine sites which may be made (but at least one inspection for every site every six months), without advance notice to the mine operator and for the purpose of ascertaining compliance with the standards of subsections (b) and (c) above. The Secretary shall order any necessary enforcement action to be implemented pursuant to the Federal enforcement provision of this title to correct violations identified at the inspections;

Inspections.

(2) provide that upon receipt of inspection reports indicating that any surface coal mining operation has been found in violation of subsections (b) and (c) above, during not less than two consecutive State inspections or upon receipt by the Secretary of information which would give rise to reasonable belief that such standards are being violated by any surface coal mining operation, the Secretary shall order the immediate inspection of such operation by Federal inspectors and the necessary enforcement actions, if any, to be implemented pursuant to the Federal enforcement provisions of this title. When the Federal inspection results from information provided to the Secretary by any person, the Secretary shall notify such person when the Federal inspection is proposed to be carried out and such person shall be allowed to accompany the inspector during the inspection;

(3) provide that the State regulatory agency file with the Secretary and with a designated Federal office centrally located in the county or area in which the inspected surface coal mine is located copies of inspection reports made;

Reports, filing.

(4) provide that moneys authorized by section 712 shall be available to the Secretary prior to the approval of a State program pursuant to this Act to reimburse the State for conducting those inspections in which the standards of this Act are enforced and for the administration of this section.

Post, p. 524.

(5) for purposes of this section, the term "Federal inspector" means personnel of the Office of Surface Mining Reclamation and Enforcement and such additional personnel of the United States Geological Survey, Bureau of Land Management, or of the Mining Enforcement and Safety Administration so designated by the Secretary, or such other personnel of the Forest Service, Soil Conservation Service, or the Agricultural Stabilization and Conservation Service as arranged by appropriate agreement with the Secretary on a reimbursable or other basis;

"Federal
inspector."

Interim period.

(f) Following the final disapproval of a State program, and prior to promulgation of a Federal program or a Federal lands program pursuant to this Act, including judicial review of such a program, existing surface coal mining operations may continue surface mining operations pursuant to the provisions of section 502 of this Act. During such period no new permits shall be issued by the State whose program has been disapproved. Permits which lapse during such period may continue in full force and effect until promulgation of a Federal program or a Federal lands program.

STATE PROGRAMS

30 USC 1253.

SEC. 503. (a) Each State in which there are or may be conducted surface coal mining operations on non-Federal lands, and which wishes to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations, except as provided in sections 521 and 523 and title IV of this Act, shall submit to the Secretary, by the end of the eighteenth-month period beginning on the date of enactment of this Act, a State program which demonstrates that such State has the capability of carrying out the provisions of this Act and meeting its purposes through—

Post, p. 504.

Post, p. 510.

Ante, p. 456.

(1) a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act;

(2) a State law which provides sanctions for violations of State laws, regulations, or conditions of permits concerning surface coal mining and reclamation operations, which sanctions shall meet the minimum requirements of this Act, including civil and criminal actions, forfeiture of bonds, suspensions, revocations, and withholding of permits, and the issuance of cease-and-desist orders by the State regulatory authority or its inspectors;

(3) a State regulatory authority with sufficient administrative and technical personnel, and sufficient funding to enable the State to regulate surface coal mining and reclamation operations in accordance with the requirements of this Act;

(4) a State law which provides for the effective implementations, maintenance, and enforcement of a permit system, meeting the requirements of this title for the regulations of surface coal mining and reclamation operations for coal on lands within the State;

(5) establishment of a process for the designation of areas as unsuitable for surface coal mining in accordance with section 522 provided that the designation of Federal lands unsuitable for mining shall be performed exclusively by the Secretary after consultation with the State; and

(6) establishment for the purposes of avoiding duplication, of a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with any other Federal or State permit process applicable to the proposed operations; and

Rules and regulations.

(7) rules and regulations consistent with regulations issued by the Secretary pursuant to this Act.

(b) The Secretary shall not approve any State program submitted under this section until he has—

(1) solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise pertinent to the proposed State program;

(2) obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of a State program which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151-1175), and the Clean Air Act, as amended (42 U.S.C. 1857 et seq.);

33 USC 1251
note.

(3) held at least one public hearing on the State program within the State; and

Hearing.

(4) found that the State has the legal authority and qualified personnel necessary for the enforcement of the environmental protection standards.

The Secretary shall approve or disapprove a State program, in whole or in part, within six full calendar months after the date such State program was submitted to him.

(c) If the Secretary disapproves any proposed State program in whole or in part, he shall notify the State in writing of his decision and set forth in detail the reasons therefor. The State shall have sixty days in which to resubmit a revised State program or portion thereof. The Secretary shall approve or disapprove the resubmitted State program or portion thereof within sixty days from the date of resubmission.

Notice of
disapproval.

(d) For the purposes of this section and section 504, the inability of a State to take any action the purpose of which is to prepare, submit or enforce a State program, or any portion thereof, because the action is enjoined by the issuance of an injunction by any court of competent jurisdiction shall not result in a loss of eligibility for financial assistance under titles IV and VII of this Act or in the imposition of a Federal program. Regulation of the surface coal mining and reclamation operations covered or to be covered by the State program subject to the injunction shall be conducted by the State pursuant to section 502 of this Act, until such time as the injunction terminates or for one year, whichever is shorter, at which time the requirements of sections 503 and 504 shall again be fully applicable.

Ante, p. 456.
Post, p. 516.

FEDERAL PROGRAMS

SEC. 504. (a) The Secretary shall prepare and, subject to the provisions of this section, promulgate and implement a Federal program for a State no later than thirty-four months after the date of enactment of this Act if such State—

30 USC 1254.

(1) fails to submit a State program covering surface coal mining and reclamation operations by the end of the eighteen-month period beginning on the date of enactment of this Act;

(2) fails to resubmit an acceptable State program within sixty days of disapproval of a proposed State program: *Provided*, That the Secretary shall not implement a Federal program prior to the expiration of the initial period allowed for submission of a State program as provided for in clause (1) of this subsection; or

(3) fails to implement, enforce, or maintain its approved State program as provided for in this Act.

If State compliance with clause (1) of this subsection requires an act of the State legislature, the Secretary may extend the period of submission of a State program up to an additional six months. Promulgation and implementation of a Federal program vests the Secretary with exclusive jurisdiction for the regulation and control of surface coal mining and reclamation operations taking place on lands within any State not in compliance with this Act. After promulgation and implementation of a Federal program the Secretary shall be the

- Post*, p. 507. regulatory authority. If a Federal program is implemented for a State, section 522 (a), (c), and (d) shall not apply for a period of one year following the date of such implementation. In promulgating and implementing a Federal program for a particular State the Secretary shall take into consideration the nature of that State's terrain, climate, biological, chemical, and other relevant physical conditions.
- Post*, p. 504. (b) In the event that a State has a State program for surface coal mining, and is not enforcing any part of such program, the Secretary may provide for the Federal enforcement, under the provisions of section 521, of that part of the State program not being enforced by such State.
- Notice and hearing. (c) Prior to promulgation and implementation of any proposed Federal program, the Secretary shall give adequate public notice and hold a public hearing in the affected State.
- Permits, review. (d) Permits issued pursuant to a previously approved State program shall be valid but reviewable under a Federal program. Immediately following promulgation of a Federal program, the Secretary shall undertake to review such permits to determine that the requirements of this Act are not violated. If the Secretary determines any permit to have been granted contrary to the requirements of this Act, he shall so advise the permittee and provide him an opportunity for hearing and a reasonable opportunity for submission of a new application and reasonable time, within a time limit prescribed in regulations promulgated pursuant to section 501(b), to conform ongoing surface mining and reclamation operations to the requirements of the Federal program.
- (e) A State which has failed to obtain the approval of a State program prior to implementation of a Federal program may submit a State program at any time after such implementation. Upon the submission of such a program, the Secretary shall follow the procedures set forth in section 503(b) and shall approve or disapprove the State program within six months after its submittal. Approval of a State program shall be based on the determination that the State has the capability of carrying out the provisions of this Act and meeting its purposes through the criteria set forth in section 503(a) (1) through (6). Until a State program is approved as provided under this section, the Federal program shall remain in effect and all actions taken by the Secretary pursuant to such Federal program, including the terms and conditions of any permit issued thereunder shall remain in effect.
- Hearing. (f) Permits issued pursuant to the Federal program shall be valid under any superseding State program: *Provided*, That the Federal permittee shall have the right to apply for a State permit to supersede his Federal permit. The State regulatory authority may review such permits to determine that the requirements of this Act and the approved State program are not violated. Should the State program contain additional requirements not contained in the Federal program, the permittee will be provided opportunity for hearing and a reasonable time, within a time limit prescribed in regulations promulgated pursuant to section 501, to conform ongoing surface mining and reclamation operations to the additional State requirements.
- State statutes or regulations, preemption. (g) Whenever a Federal program is promulgated for a State pursuant to this Act, any statutes or regulations of such State which are in effect to regulate surface mining and reclamation operations subject to this Act shall, insofar as they interfere with the achievement of the purposes and the requirements of this Act and the Federal program, be preempted and superseded by the Federal program. The Secretary shall set forth any State law or regulation which is preempted and superseded by the Federal program.

(h) Any Federal program shall include a process for coordinating the review and issuance of permits for surface mining and reclamation operations with any other Federal or State permit process applicable to the proposed operation.

Permits,
coordination.

STATE LAWS

SEC. 505. (a) No State law or regulation in effect on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of this Act or any regulation issued pursuant thereto, except insofar as such State law or regulation is inconsistent with the provisions of this Act.

30 USC 1255.

(b) Any provision of any State law or regulation in effect upon the date of enactment of this Act, or which may become effective thereafter, which provides for more stringent land use and environmental controls and regulations of surface coal mining and reclamation operation than do the provisions of this Act or any regulation issued pursuant thereto shall not be construed to be inconsistent with this Act. The Secretary shall set forth any State law or regulation which is construed to be inconsistent with this Act. Any provision of any State law or regulation in effect on the date of enactment of this Act, or which may become effective thereafter, which provides for the control and regulation of surface mining and reclamation operations for which no provision is contained in this Act shall not be construed to be inconsistent with this Act.

PERMITS

SEC. 506. (a) No later than eight months from the date on which a State program is approved by the Secretary, pursuant to section 503 of this Act, or no later than eight months from the date on which the Secretary has promulgated a Federal program for a State not having a State program pursuant to section 504 of this Act, no person shall engage in or carry out on lands within a State any surface coal mining operations unless such person has first obtained a permit issued by such State pursuant to an approved State program or by the Secretary pursuant to a Federal program; except a person conducting surface coal mining operations under a permit from the State regulatory authority, issued in accordance with the provisions of section 502 of this Act, may conduct such operations beyond such period if an application for a permit has been filed in accordance with the provisions of this Act, but the initial administrative decision has not been rendered.

30 USC 1256.

(b) All permits issued pursuant to the requirements of this Act shall be issued for a term not to exceed five years: *Provided*, That if the applicant demonstrates that a specified longer term is reasonably needed to allow the applicant to obtain necessary financing for equipment and the opening of the operation and if the application is full and complete for such specified longer term, the regulatory authority may grant a permit for such longer term. A successor in interest to a permittee who applies for a new permit within thirty days of succeeding to such interest and who is able to obtain the bond coverage of the original permittee may continue surface coal mining and reclamation operations according to the approved mining and reclamation plan of the original permittee until such successor's application is granted or denied.

Term.

(c) A permit shall terminate if the permittee has not commenced the surface coal mining operations covered by such permit within three years of the issuance of the permit: *Provided*, That the regulatory authority may grant reasonable extensions of time upon a showing that such extensions are necessary by reason of litigation precluding

Termination.

such commencement or threatening substantial economic loss to the permittee, or by reason of conditions beyond the control and without the fault or negligence of the permittee: *Provided further*, That in the case of a coal lease issued under the Federal Mineral Leasing Act, as amended, extensions of time may not extend beyond the period allowed for diligent development in accordance with section 7 of that Act: *Provided further*, That with respect to coal to be mined for use in a synthetic fuel facility or specific major electric generating facility, the permittee shall be deemed to have commenced surface mining operations at such time as the construction of the synthetic fuel or generating facility is initiated.

Renewal. (d)(1) Any valid permit issued pursuant to this Act shall carry with it the right of successive renewal upon expiration with respect to areas within the boundaries of the existing permit. The holders of the permit may apply for renewal and such renewal shall be issued (provided that on application for renewal the burden shall be on the opponents of renewal), subsequent to fulfillment of the public notice requirements of sections 513 and 514 unless it is established that and written findings by the regulatory authority are made that—

(A) the terms and conditions of the existing permit are not being satisfactorily met;

(B) the present surface coal mining and reclamation operation is not in compliance with the environmental protection standards of this Act and the approved State plan or Federal program pursuant to this Act; or

(C) the renewal requested substantially jeopardizes the operator's continuing responsibility on existing permit areas;

(D) the operator has not provided evidence that the performance bond in effect for said operation will continue in full force and effect for any renewal requested in such application as well as any additional bond the regulatory authority might require pursuant to section 509; or

(E) any additional revised or updated information required by the regulatory authority has not been provided. Prior to the approval of any renewal of permit the regulatory authority shall provide notice to the appropriate public authorities.

Boundary extension.

(2) If an application for renewal of a valid permit includes a proposal to extend the mining operation beyond the boundaries authorized in the existing permit, the portion of the application for renewal of a valid permit which addresses any new land areas shall be subject to the full standards applicable to new applications under this Act: *Provided, however*, That if the surface coal mining operations authorized by a permit issued pursuant to this Act were not subject to the standards contained in section 510(b)(5) (A) and (B) by reason of complying with the proviso of section 510(b)(5), then the portion of the application for renewal of the permit which addresses any new land areas previously identified in the reclamation plan submitted pursuant to section 508 shall not be subject to the standards contained in section 510(b)(5) (A) and (B).

(3) Any permit renewal shall be for a term not to exceed the period of the original permit established by this Act. Application for permit renewal shall be made at least one hundred and twenty days prior to the expiration of the valid permit.

APPLICATION REQUIREMENTS

Fee.
30 USC 1257.

SEC. 507. (a) Each application for a surface coal mining and reclamation permit pursuant to an approved State program or a Federal

program under the provisions of this Act shall be accompanied by a fee as determined by the regulatory authority. Such fee may be less than but shall not exceed the actual or anticipated cost of reviewing, administering, and enforcing such permit issued pursuant to a State or Federal program. The regulatory authority may develop procedures so as to enable the cost of the fee to be paid over the term of the permit.

(b) The permit application shall be submitted in a manner satisfactory to the regulatory authority and shall contain, among other things—

Contents.

(1) the names and addresses of (A) the permit applicant; (B) every legal owner of record of the property (surface and mineral), to be mined; (C) the holders of record of any leasehold interest in the property; (D) any purchaser of record of the property under a real estate contract; and (E) the operator if he is a person different from the applicant; and (F) if any of these are business entities other than a single proprietor, the names and addresses of the principals, officers, and resident agent;

(2) the names and addresses of the owners of record of all surface and subsurface areas adjacent to any part of the permit area;

(3) a statement of any current or previous surface coal mining permits in the United States held by the applicant and the permit identification and each pending application;

(4) if the applicant is a partnership, corporation, association, or other business entity, the following where applicable: the names and addresses of every officer, partner, director, or person performing a function similar to a director, of the applicant, together with the name and address of any person owning, of record 10 per centum or more of any class of voting stock of the applicant and a list of all names under which the applicant, partner, or principal shareholder previously operated a surface mining operation within the United States within the five-year period preceding the date of submission of the application;

(5) a statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant, has ever held a Federal or State mining permit which in the five-year period prior to the date of submission of the application has been suspended or revoked or has had a mining bond or similar security deposited in lieu of bond forfeited and, if so, a brief explanation of the facts involved;

(6) a copy of the applicant's advertisement to be published in a newspaper of general circulation in the locality of the proposed site at least once a week for four successive weeks, and which includes the ownership, a description of the exact location and boundaries of the proposed site sufficient so that the proposed operation is readily locatable by local residents, and the location of where the application is available for public inspection;

(7) a description of the type and method of coal mining operation that exists or is proposed, the engineering techniques proposed or used, and the equipment used or proposed to be used;

(8) the anticipated or actual starting and termination dates of each phase of the mining operation and number of acres of land to be affected;

(9) the applicant shall file with the regulatory authority on an accurate map or plan, to an appropriate scale, clearly showing the land to be affected as of the date of the application, the area of land within the permit area upon which the applicant has the legal right to enter and commence surface mining operations and shall

provide to the regulatory authority a statement of those documents upon which the applicant bases his legal right to enter and commence surface mining operations on the area affected, and whether that right is the subject of pending court litigation: *Provided*, That nothing in this Act shall be construed as vesting in the regulatory authority the jurisdiction to adjudicate property title disputes.

(10) the name of the watershed and location of the surface stream or tributary into which surface and pit drainage will be discharged;

(11) a determination of the probable hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas so that an assessment can be made by the regulatory authority of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability: *Provided, however*, That this determination shall not be required until such time as hydrologic information on the general area prior to mining is made available from an appropriate Federal or State agency: *Provided further*, That the permit shall not be approved until such information is available and is incorporated into the application;

(12) when requested by the regulatory authority, the climatological factors that are peculiar to the locality of the land to be affected, including the average seasonal precipitation, the average direction and velocity of prevailing winds, and the seasonal temperature ranges;

(13) accurate maps to an appropriate scale clearly showing (A) the land to be affected as of the date of application and (B) all types of information set forth on topographical maps of the United States Geological Survey of a scale of 1:24,000 or 1:25,000 or larger, including all manmade features and significant known archeological sites existing on the date of application. Such a map or plan shall among other things specified by the regulatory authority show all boundaries of the land to be affected, the boundary lines and names of present owners of record of all surface areas abutting the permit area, and the location of all buildings within one thousand feet of the permit area;

(14) cross-section maps or plans of the land to be affected including the actual area to be mined, prepared by or under the direction of and certified by a qualified registered professional engineer, or professional geologist with assistance from experts in related fields such as land surveying and landscape architecture, showing pertinent elevation and location of test borings or core samplings and depicting the following information: the nature and depth of the various strata of overburden; the location of subsurface water, if encountered, and its quality; the nature and thickness of any coal or rider seam above the coal seam to be mined; the nature of the stratum immediately beneath the coal seam to be mined; all mineral crop lines and the strike and dip of the coal to be mined, within the area of land to be affected; existing or previous surface mining limits; the location and extent of known workings of any underground mines, including mine openings to the surface; the location of aquifers; the estimated elevation of the water table; the location of spoil, waste, or refuse

areas and top-soil preservation areas; the location of all impoundments for waste or erosion control; any settling or water treatment facility; constructed or natural drainways and the location of any discharges to any surface body of water on the area of land to be affected or adjacent thereto; and profiles at appropriate cross sections of the anticipated final surface configuration that will be achieved pursuant to the operator's proposed reclamation plan;

(15) a statement of the result of test borings or core samplings from the permit area, including logs of the drill holes; the thickness of the coal seam found, an analysis of the chemical properties of such coal; the sulfur content of any coal seam; chemical analysis of potentially acid or toxic forming sections of the overburden; and chemical analysis of the stratum lying immediately underneath the coal to be mined except that the provisions of this paragraph (15) may be waived by the regulatory authority with respect to the specific application by a written determination that such requirements are unnecessary;

(16) for those lands in the permit application which a reconnaissance inspection suggests may be prime farm lands, a soil survey shall be made or obtained according to standards established by the Secretary of Agriculture in order to confirm the exact location of such prime farm lands, if any; and

(17) information pertaining to coal seams, test borings, core samplings, or soil samples as required by this section shall be made available to any person with an interest which is or may be adversely affected: *Provided*, That information which pertains only to the analysis of the chemical and physical properties of the coal (excepting information regarding such mineral or elemental content which is potentially toxic in the environment) shall be kept confidential and not made a matter of public record.

Confidential
information.

(c) If the regulatory authority finds that the probable total annual production at all locations of any coal surface mining operator will not exceed 100,000 tons, the determination of probable hydrologic consequences required by subsection (b)(11) and the statement of the result of test borings or core samplings required by subsection (b)(15) of this section shall, upon the written request of the operator be performed by a qualified public or private laboratory designated by the regulatory authority and the cost of the preparation of such determination and statement shall be assumed by the regulatory authority.

(d) Each applicant for a permit shall be required to submit to the regulatory authority as part of the permit application a reclamation plan which shall meet the requirements of this Act.

Reclamation
plan,
requirement.

(e) Each applicant for a surface coal mining and reclamation permit shall file a copy of his application for public inspection with the recorder at the courthouse of the county or an appropriate public office approved by the regulatory authority where the mining is proposed to occur, except for that information pertaining to the coal seam itself.

Public inspection.

(f) Each applicant for a permit shall be required to submit to the regulatory authority as part of the permit application a certificate issued by an insurance company authorized to do business in the United States certifying that the applicant has a public liability insurance policy in force for the surface mining and reclamation operations for which such permit is sought, or evidence that the applicant has satisfied other State or Federal self-insurance requirements. Such policy shall provide for personal injury and property

Insurance
certificate.

damage protection in an amount adequate to compensate any persons damaged as a result of surface coal mining and reclamation operations including use of explosives and entitled to compensation under the applicable provisions of State law. Such policy shall be maintained in full force and effect during the terms of the permit or any renewal, including the length of all reclamation operations.

Blasting plan.

(g) Each applicant for a surface coal mining and reclamation permit shall submit to the regulatory authority as part of the permit application a blasting plan which shall outline the procedures and standards by which the operator will meet the provisions of section 515(b) (15).

RECLAMATION PLAN REQUIREMENTS

Statement.
30 USC 1258.

SEC. 508. (a) Each reclamation plan submitted as part of a permit application pursuant to any approved State program or a Federal program under the provisions of this Act shall include, in the degree of detail necessary to demonstrate that reclamation required by the State or Federal program can be accomplished, a statement of:

Contents.

(1) the identification of the lands subject to surface coal mining operations over the estimated life of those operations and the size, sequence, and timing of the subareas for which it is anticipated that individual permits for mining will be sought;

(2) the condition of the land to be covered by the permit prior to any mining including:

(A) the uses existing at the time of the application, and if the land has a history of previous mining, the uses which preceded any mining; and

(B) the capability of the land prior to any mining to support a variety of uses giving consideration to soil and foundation characteristics, topography, and vegetative cover, and, if applicable, a soil survey prepared pursuant to section 507(b) (16); and

(C) the productivity of the land prior to mining, including appropriate classification as prime farm lands, as well as the average yield of food, fiber, forage, or wood products from such lands obtained under high levels of management;

(3) the use which is proposed to be made of the land following reclamation, including a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses and the relationship of such use to existing land use policies and plans, and the comments of any owner of the surface, State and local governments or agencies thereof which would have to initiate, implement, approve or authorize the proposed use of the land following reclamation;

(4) a detailed description of how the proposed postmining land use is to be achieved and the necessary support activities which may be needed to achieve the proposed land use;

(5) the engineering techniques proposed to be used in mining and reclamation and a description of the major equipment; a plan for the control of surface water drainage and of water accumulation; a plan, where appropriate, for backfilling, soil stabilization, and compacting, grading, and appropriate revegetation; a plan for soil reconstruction, replacement, and stabilization, pursuant to the performance standards in section 515(b) (7) (A), (B), (C), and (D), for those food, forage, and forest lands identified in sections 515(b) (7); an estimate of the cost per acre of the reclamation, including a statement as to how the permittee plans to

comply with each of the requirements set out in section 515;

(6) the consideration which has been given to maximize the utilization and conservation of the solid fuel resource being recovered so that re-affecting the land in the future can be minimized;

(7) a detailed estimated timetable for the accomplishment of each major step in the reclamation plan;

(8) the consideration which has been given to making the surface mining and reclamation operations consistent with surface owner plans, and applicable State and local land use plans and programs;

(9) the steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards;

(10) the consideration which has been given to developing the reclamation plan in a manner consistent with local physical environmental, and climatological conditions;

(11) all lands, interests in lands, or options on such interests held by the applicant or pending bids on interests in lands by the applicant, which lands are contiguous to the area to be covered by the permit;

(12) the results of test boring which the applicant has made at the area to be covered by the permit, or other equivalent information and data in a form satisfactory to the regulatory authority, including the location of subsurface water, and an analysis of the chemical properties including acid forming properties of the mineral and overburden: *Provided*, That information which pertains only to the analysis of the chemical and physical properties of the coal (excepting information regarding such mineral or elemental contents which is potentially toxic in the environment) shall be kept confidential and not made a matter of public record;

Confidential
information.

(13) a detailed description of the measures to be taken during the mining and reclamation process to assure the protection of:

(A) the quality of surface and ground water systems, both on- and off-site, from adverse effects of the mining and reclamation process;

(B) the rights of present users to such water; and

(C) the quantity of surface and ground water systems, both on- and off-site, from adverse effects of the mining and reclamation process or to provide alternative sources of water where such protection of quantity cannot be assured;

(14) such other requirements as the regulatory authority shall prescribe by regulations.

(b) Any information required by this section which is not on public file pursuant to State law shall be held in confidence by the regulatory authority.

Confidential
information.

PERFORMANCE BONDS

SEC. 509. (a) After a surface coal mining and reclamation permit application has been approved but before such a permit is issued, the applicant shall file with the regulatory authority, on a form prescribed and furnished by the regulatory authority, a bond for performance payable, as appropriate, to the United States or to the State, and conditional upon faithful performance of all the requirements of this Act and the permit. The bond shall cover that area of land within the permit area upon which the operator will initiate and conduct surface coal mining and reclamation operations within the initial

30 USC 1259.

Amount.	term of the permit. As succeeding increments of surface coal mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file with the regulatory authority an additional bond or bonds to cover such increments in accordance with this section. The amount of the bond required for each bonded area shall depend upon the reclamation requirements of the approved permit; shall reflect the probable difficulty of reclamation giving consideration to such factors as topography, geology of the site, hydrology, and revegetation potential, and shall be determined by the regulatory authority. The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the work had to be performed by the regulatory authority in the event of forfeiture and in no case shall the bond for the entire area under one permit be less than \$10,000.
Liability.	(b) Liability under the bond shall be for the duration of the surface coal mining and reclamation operation and for a period coincident with operator's responsibility for revegetation requirements in section 515. The bond shall be executed by the operator and a corporate surety licensed to do business in the State where such operation is located, except that the operator may elect to deposit cash, negotiable bonds of the United States Government or such State, or negotiable certificates of deposit of any bank organized or transacting business in the United States. The cash deposit or market value of such securities shall be equal to or greater than the amount of the bond required for the bonded area.
Execution.	(c) The regulatory authority may accept the bond of the applicant itself without separate surety when the applicant demonstrates to the satisfaction of the regulatory authority the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient for authorization to self-insure or bond such amount or in lieu of the establishment of a bonding program, as set forth in this section, the Secretary may approve as part of a State or Federal program an alternative system that will achieve the objectives and purposes of the bonding program pursuant to this section.
Cash or securities.	(d) Cash or securities so deposited shall be deposited upon the same terms as the terms upon which surety bonds may be deposited. Such securities shall be security for the repayment of such negotiable certificate of deposit.
Bond adjustment.	(e) The amount of the bond or deposit required and the terms of each acceptance of the applicant's bond shall be adjusted by the regulatory authority from time to time as affected land acreages are increased or decreased or where the cost of future reclamation changes.

PERMIT APPROVAL OR DENIAL

Notice and
hearing.
30 USC 1260.

SEC. 510. (a) Upon the basis of a complete mining application and reclamation plan or a revision or renewal thereof, as required by this Act and pursuant to an approved State program or Federal program under the provisions of this Act, including public notification and an opportunity for a public hearing as required by section 513, the regulatory authority shall grant, require modification of, or deny the application for a permit in a reasonable time set by the regulatory authority and notify the applicant in writing. The applicant for a permit, or revision of a permit, shall have the burden of establishing that his application is in compliance with all the requirements of the applicable State or Federal program. Within ten days after the granting of a permit, the regulatory authority shall notify the local govern-

mental officials in the local political subdivision in which the area of land to be affected is located that a permit has been issued and shall describe the location of the land.

(b) No permit or revision application shall be approved unless the application affirmatively demonstrates and the regulatory authority finds in writing on the basis of the information set forth in the application or from information otherwise available which will be documented in the approval, and made available to the applicant, that—

Requirements.

(1) the permit application is accurate and complete and that all the requirements of this Act and the State or Federal program have been complied with;

(2) the applicant has demonstrated that reclamation as required by this Act and the State or Federal program can be accomplished under the reclamation plan contained in the permit application;

(3) the assessment of the probable cumulative impact of all anticipated mining in the area on the hydrologic balance specified in section 507(b) has been made by the regulatory authority and the proposed operation thereof has been designed to prevent material damage to hydrologic balance outside permit area;

(4) the area proposed to be mined is not included within an area designated unsuitable for surface coal mining pursuant to section 522 of this Act or is not within an area under study for such designation in an administrative proceeding commenced pursuant to section 522(a)(4)(D) or section 522(c) (unless in such an area as to which an administrative proceeding has commenced pursuant to section 522(a)(4)(D) of this Act, the operator making the permit application demonstrates that, prior to January 1, 1977, he has made substantial legal and financial commitments in relation to the operation for which he is applying for a permit);

Post, p. 507.

(5) the proposed surface coal mining operation, if located west of the one hundredth meridian west longitude, would—

(A) not interrupt, discontinue, or preclude farming on alluvial valley floors that are irrigated or naturally subirrigated, but, excluding undeveloped range lands which are not significant to farming on said alluvial valley floors and those lands as to which the regulatory authority finds that if the farming that will be interrupted, discontinued, or precluded is of such small acreage as to be of negligible impact on the farm's agricultural production, or

(B) not materially damage the quantity or quality of water in surface or underground water systems that supply these valley floors in (A) of subsection (b)(5);

Provided, That this paragraph (5) shall not affect those surface coal mining operations which in the year preceding the enactment of this Act (I) produced coal in commercial quantities, and were located within or adjacent to alluvial valley floors or (II) had obtained specific permit approval by the State regulatory authority to conduct surface coal mining operations within said alluvial valley floors.

With respect to such surface mining operations which would have been within the purview of the foregoing proviso but for the fact that no coal was so produced in commercial quantities and no such specific permit approval was so received, the Secretary, if he determines that substantial financial and legal commitments were made by an operator prior to January 1, 1977, in connection with any such operation, is

Coal exchange programs.

43 USC 1716.

authorized, in accordance with such regulations as the Secretary may prescribe, to enter into an agreement with that operator pursuant to which the Secretary may, notwithstanding any other provision of law, lease other Federal coal deposits to such operator in exchange for the relinquishment by such operator of his Federal lease covering coal deposits involving such mining operations, or pursuant to section 206 of Federal Land Policy and Management Act of 1976, convey to the fee holder of any such coal deposits involving such mining operations the fee title to other available Federal coal deposits in exchange for the fee title to such deposits so involving such mining operations. It is the policy of the Congress that the Secretary shall develop and carry out a coal exchange program to acquire private fee coal precluded from being mined by the restrictions of this paragraph (5) in exchange for Federal coal which is not so precluded. Such exchanges shall be made under section 206 of the Federal Land Policy and Management Act of 1976;

(6) in cases where the private mineral estate has been severed from the private surface estate, the applicant has submitted to the regulatory authority—

(A) the written consent of the surface owner to the extraction of coal by surface mining methods; or

(B) a conveyance that expressly grants or reserves the right to extract the coal by surface mining methods; or

(C) if the conveyance does not expressly grant the right to extract coal by surface mining methods, the surface-sub-surface legal relationship shall be determined in accordance with State law: *Provided*, That nothing in this Act shall be construed to authorize the regulatory authority to adjudicate property rights disputes.

Notices of
violations.
Rules and
regulations.

(c) The applicant shall file with his permit application a schedule listing any and all notices of violations of this Act and any law, rule, or regulation of the United States, or of any department or agency in the United States pertaining to air or water environmental protection incurred by the applicant in connection with any surface coal mining operation during the three-year period prior to the date of application. The schedule shall also indicate the final resolution of any such notice of violation. Where the schedule or other information available to the regulatory authority indicates that any surface coal mining operation owned or controlled by the applicant is currently in violation of this Act or such other laws referred to this subsection, the permit shall not be issued until the applicant submits proof that such violation has been corrected or is in the process of being corrected to the satisfaction of the regulatory authority, department, or agency which has jurisdiction over such violation and no permit shall be issued to an applicant after a finding by the regulatory authority, after opportunity for hearing, that the applicant, or the operator specified in the application, controls or has controlled mining operations with a demonstrated pattern of willful violations of this Act of such nature and duration with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of this Act.

Penalty.

Prime farmland
mining, permit.

(d) (1) In addition to finding the application in compliance with subsection (b) of this section, if the area proposed to be mined contains prime farmland pursuant to Section 507(b)(16), the regulatory authority shall, after consultation with the Secretary of Agriculture, and pursuant to regulations issued hereunder by the Secretary of Interior with the concurrence of the Secretary of Agriculture, grant a

permit to mine on prime farmland if the regulatory authority finds in writing that the operator has the technological capability to restore such mined area, within a reasonable time, to equivalent or higher levels of yield as non-mined prime farmland in the surrounding area under equivalent levels of management and can meet the soil reconstruction standards in Section 515(b)(7). Except for compliance with subsection (b), the requirements of this paragraph (1) shall apply to all permits issued after the date of enactment of this Act.

(2) Nothing in this subsection shall apply to any permit issued prior to the date of enactment of this Act, or to any revisions or renewals thereof, or to any existing surface mining operations for which a permit was issued prior to the date of enactment of this Act.

REVISION OF PERMITS

SEC. 511. (a) (1) During the term of the permit the permittee may submit an application for a revision of the permit, together with a revised reclamation plan, to the regulatory authority. 30 USC 1261.

(2) An application for a revision of a permit shall not be approved unless the regulatory authority finds that reclamation as required by this Act and the State or Federal program can be accomplished under the revised reclamation plan. The revision shall be approved or disapproved within a period of time established by the State or Federal program. The regulatory authority shall establish guidelines for a determination of the scale or extent of a revision request for which all permit application information requirements and procedures, including notice and hearings, shall apply: *Provided*, That any revisions which propose significant alterations in the reclamation plan shall, at a minimum, be subject to notice and hearing requirements. Guidelines. Notice and hearing.

(3) Any extensions to the area covered by the permit except incidental boundary revisions must be made by application for another permit.

(b) No transfer, assignment, or sale of the rights granted under any permit issued pursuant to this Act shall be made without the written approval of the regulatory authority.

(c) The regulatory authority shall within a time limit prescribed in regulations promulgated by the regulatory authority, review outstanding permits and may require reasonable revision or modification of the permit provisions during the term of such permit: *Provided*, That such revision or modification shall be based upon a written finding and subject to notice and hearing requirements established by the State or Federal program.

COAL EXPLORATION PERMITS

SEC. 512. (a) Each State or Federal program shall include a requirement that coal exploration operations which substantially disturb the natural land surface be conducted in accordance with exploration regulations issued by the regulatory authority. Such regulations shall include, at a minimum (1) the requirement that prior to conducting any exploration under this section, any person must file with the regulatory authority notice of intention to explore and such notice shall include a description of the exploration area and the period of supposed exploration and (2) provisions for reclamation in accordance with the performance standards in section 515 of this Act of all lands disturbed in exploration, including excavations, roads, drill holes, and the removal of necessary facilities and equipment. Regulations. 30 USC 1262. Contents.

Confidential
information.

(b) Information submitted to the regulatory authority pursuant to this subsection as confidential concerning trade secrets or privileged commercial or financial information which relates to the competitive rights of the person or entity intended to explore the described area shall not be available for public examination.

(c) Any person who conducts any coal exploration activities which substantially disturb the natural land surface in violation of this section or regulations issued pursuant thereto shall be subject to the provisions of section 518.

(d) No operator shall remove more than two hundred and fifty tons of coal pursuant to an exploration permit without the specific written approval of the regulatory authority.

(e) Coal exploration on Federal lands shall be governed by section 4 of the Federal Coal Leasing Amendments Act of 1975 (90 Stat. 1085).

PUBLIC NOTICE AND PUBLIC HEARINGS

30 USC 1263.

Sec. 513. (a) At the time of submission of an application for a surface coal mining and reclamation permit, or revision of an existing permit, pursuant to the provisions of this Act or an approved State program, the applicant shall submit to the regulatory authority a copy of his advertisement of the ownership, precise location, and boundaries of the land to be affected. At the time of submission such advertisement shall be placed by the applicant in a local newspaper of general circulation in the locality of the proposed surface mine at least once a week for four consecutive weeks. The regulatory authority shall notify various local governmental bodies, planning agencies, and sewage and water treatment authorities, of water companies in the locality in which the proposed surface mining will take place, notifying them of the operator's intention to surface mine a particularly described tract of land and indicating the application's permit number and where a copy of the proposed mining and reclamation plan may be inspected. These local bodies, agencies, authorities, or companies may submit written comments within a reasonable period established by the regulatory authority on the mining applications with respect to the effect of the proposed operation on the environment which are within their area of responsibility. Such comments shall immediately be transmitted to the applicant by the regulatory authority and shall be made available to the public at the same locations as are the mining applications.

Permit
application,
objections.

(b) Any person having an interest which is or may be adversely affected or the officer or head of any Federal, State, or local governmental agency or authority shall have the right to file written objections to the proposed initial or revised application for a permit for surface coal mining and reclamation operation with the regulatory authority within thirty days after the last publication of the above notice. Such objections shall immediately be transmitted to the applicant by the regulatory authority and shall be made available to the public. If written objections are filed and an informal conference requested, the regulatory authority shall then hold an informal conference in the locality of the proposed mining, if requested within a reasonable time of the receipt of such objections or request. The date, time and location of such informal conference shall be advertised by the regulatory authority in a newspaper of general circulation in the locality at least two weeks prior to the scheduled conference date. The regulatory authority may arrange with the applicant upon request by any party to the administrative proceeding access to the proposed min-

Informal
conference.

ing area for the purpose of gathering information relevant to the proceeding. An electronic or stenographic record shall be made of the conference proceeding, unless waived by all parties. Such record shall be maintained and shall be accessible to the parties until final release of the applicant's performance bond. In the event all parties requesting the informal conference stipulate agreement prior to the requested informal conference and withdraw their request, such informal conference need not be held.

Records.

(c) Where the lands included in an application for a permit are the subject of a Federal coal lease in connection with which hearings were held and determinations were made under sections 2(a) (3) (A), (B) and (C) of the Mineral Lands Leasing Act, as amended (30 U.S.C. 201a) (3) (A), (B) and (C), such hearings shall be deemed as to the matters covered to satisfy the requirements of this section and section 514 and such determinations shall be deemed to be a part of the record and conclusive for purposes of sections 510, 514 and this section.

30 USC 201.

DECISIONS OF REGULATORY AUTHORITY AND APPEALS

Sec. 514. (a) If an informal conference has been held pursuant to section 513(b), the regulatory authority shall issue and furnish the applicant for a permit and persons who are parties to the administrative proceedings with the written finding of the regulatory authority, granting or denying the permit in whole or in part and stating the reasons therefor, within the sixty days of said hearings.

30 USC 1264.

(b) If there has been no informal conference held pursuant to section 513(b), the regulatory authority shall notify the applicant for a permit within a reasonable time as determined by the regulatory authority and set forth in regulations, taking into account the time needed for proper investigation of the site, the complexity of the permit application, and whether or not written objection to the application has been filed, whether the application has been approved or disapproved in whole or part.

(c) If the application is approved, the permit shall be issued. If the application is disapproved, specific reasons therefor must be set forth in the notification. Within thirty days after the applicant is notified of the final decision of the regulatory authority on the permit application, the applicant or any person with an interest which is or may be adversely affected may request a hearing on the reasons for the final determination. The regulatory authority shall hold a hearing within thirty days of such request and provide notification to all interested parties at the time that the applicant is so notified. If the Secretary is the regulatory authority the hearing shall be of record and governed by 5 U.S.C. Section 554. Where the regulatory authority is the State, such hearing shall be of record, adjudicatory in nature and no person who presided at a conference under section 513(b) shall either preside at the hearing or participate in this decision thereon or in any administrative appeal therefrom. Within thirty days after the hearing the regulatory authority shall issue and furnish the applicant, and all persons who participated in the hearing, with the written decision of the regulatory authority granting or denying the permit in whole or in part and stating the reasons therefor.

Notice and hearing.

(d) Where a hearing is requested pursuant to subsection (c), the Secretary, where the Secretary is the regulatory authority, or the State hearing authority may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceedings if—

Temporary relief.

Notice and
hearing.

(1) all parties to the proceedings have been notified and given an opportunity to be heard on a request for temporary relief;

(2) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding; and

(3) such relief will not adversely affect the public health or safety or cause significant imminent environmental harm to land, air, or water resources.

(e) For the purpose of such hearing, the regulatory authority may administer oaths, subpoena witnesses, or written or printed materials, compel attendance of the witnesses, or production of the materials, and take evidence including but not limited to site inspections of the land to be affected and other surface coal mining operations carried on by the applicant in the general vicinity of the proposed operation. A verbatim record of each public hearing required by this Act shall be made, and a transcript made available on the motion of any party or by order of the regulatory authority.

(f) Any applicant or any person with an interest which is or may be adversely affected who has participated in the administrative proceedings as an objector, and who is aggrieved by the decision of the regulatory authority, or if the regulatory authority fails to act within the time limits specified in this Act shall have the right to appeal in accordance with section 526.

Post, p. 512.

ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

30 USC 1265.

SEC. 515. (a) Any permit issued under any approved State or Federal program pursuant to this Act to conduct surface coal mining operations shall require that such surface coal mining operations will meet all applicable performance standards of this Act, and such other requirements as the regulatory authority shall promulgate.

General
standards.

(b) General performance standards shall be applicable to all surface coal mining and reclamation operations and shall require the operation as a minimum to—

Fuel, maximum
use.

(1) conduct surface coal mining operations so as to maximize the utilization and conservation of the solid fuel resource being recovered so that re-affecting the land in the future through surface coal mining can be minimized;

Land use,
restoration.

(2) restore the land affected to a condition capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses of which there is reasonable likelihood, so long as such use or uses do not present any actual or probable hazard to public health or safety or pose any actual or probable threat of water diminution or pollution, and the permit applicants' declared proposed land use following reclamation is not deemed to be impractical or unreasonable, inconsistent with applicable land use policies and plans, involves unreasonable delay in implementation, or is violative of Federal, State, or local law;

Original land
contour,
restoration.

(3) except as provided in subsection (c) with respect to all surface coal mining operations backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials), and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles, and depressions eliminated (unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this Act): *Provided, however*, That in surface coal mining which is carried out at the same location over a substantial period of time where the operation transects the coal deposit, and the thickness

of the coal deposits relative to the volume of the overburden is large and where the operator demonstrates that the overburden and other spoil and waste materials at a particular point in the permit area or otherwise available from the entire permit area is insufficient, giving due consideration to volumetric expansion, to restore the approximate original contour, the operator, at a minimum, shall backfill, grade, and compact (where advisable) using all available overburden and other spoil and waste materials to attain the lowest practicable grade but not more than the angle of repose, to provide adequate drainage and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region: *And provided further*, That in surface coal mining where the volume of overburden is large relative to the thickness of the coal deposit and where the operator demonstrates that due to volumetric expansion the amount of overburden and other spoil and waste materials removed in the course of the mining operation is more than sufficient to restore the approximate original contour, the operator shall after restoring the approximate contour, backfill, grade, and compact (where advisable) the excess overburden and other spoil and waste materials to attain the lowest grade but not more than the angle of repose, and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region and that such overburden or spoil shall be shaped and graded in such a way as to prevent slides, erosion, and water pollution and is revegetated in accordance with the requirements of this Act;

(4) stabilize and protect all surface areas including spoil piles affected by the surface coal mining and reclamation operation to effectively control erosion and attendant air and water pollution;

Surface areas,
stabilization.

(5) remove the topsoil from the land in a separate layer, replace it on the backfill area, or if not utilized immediately, segregate it in a separate pile from other spoil and when the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick growing plant or other means thereafter so that the topsoil is preserved from wind and water erosion, remains free of any contamination by other acid or toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation, except if topsoil is of insufficient quantity or of poor quality for sustaining vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner such other strata which is best able to support vegetation;

Topsoil.

(6) restore the topsoil or the best available subsoil which is best able to support vegetation;

(7) for all prime farm lands as identified in section 507(b)(16) to be mined and reclaimed, specifications for soil removal, storage, replacement, and reconstruction shall be established by the Secretary of Agriculture, and the operator shall, as a minimum, be required to—

Prime farm lands.

(A) segregate the A horizon of the natural soil, except where it can be shown that other available soil materials will create a final soil having a greater productive capacity; and if not utilized immediately, stockpile this material separately from other spoil, and provide needed protection from wind and water erosion or contamination by other acid or toxic material;

(B) segregate the B horizon of the natural soil, or underlying C horizons or other strata, or a combination of such horizons or other strata that are shown to be both texturally and chemically suitable for plant growth and that can be shown to be equally or more favorable for plant growth than the B horizon, in sufficient quantities to create in the regraded final soil a root zone of comparable depth and quality to that which existed in the natural soil; and if not utilized immediately, stockpile this material separately from other spoil, and provide needed protection from wind and water erosion or contamination by other acid or toxic material;

(C) replace and regrade the root zone material described in (B) above with proper compaction and uniform depth over the regraded spoil material; and

(D) redistribute and grade in a uniform manner the surface soil horizon described in subparagraph (A);

**Water
impoundments.**

(8) create, if authorized in the approved mining and reclamation plan and permit, permanent impoundments of water on mining sites as part of reclamation activities only when it is adequately demonstrated that—

(A) the size of the impoundment is adequate for its intended purposes;

(B) the impoundment dam construction will be so designed as to achieve necessary stability with an adequate margin of safety compatible with that of structures constructed under Public Law 83-566 (16 U.S.C. 1006);

(C) the quality of impounded water will be suitable on a permanent basis for its intended use and that discharges from the impoundment will not degrade the water quality below water quality standards established pursuant to applicable Federal and State law in the receiving stream;

(D) the level of water will be reasonably stable;

(E) final grading will provide adequate safety and access for proposed water users; and

(F) such water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial recreational, or domestic uses;

**Augering
operations.**

(9) conducting any augering operation associated with surface mining in a manner to maximize recoverability of mineral reserves remaining after the operation and reclamation are complete; and seal all auger holes with an impervious and noncombustible material in order to prevent drainage except where the regulatory authority determines that the resulting impoundment of water in such auger holes may create a hazard to the environment or the public health or safety: *Provided*, That the permitting authority may prohibit augering if necessary to maximize the utilization, recoverability or conservation of the solid fuel resources or to protect against adverse water quality impacts;

**Hydrologic
balance.**

(10) minimize the disturbances to the prevailing hydrologic balance at the mine-site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after surface coal mining operations and during reclamation by—

(A) avoiding acid or other toxic mine drainage by such measures as, but not limited to—

(i) preventing or removing water from contact with toxic producing deposits;

(ii) treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses;

(iii) casing, sealing, or otherwise managing boreholes, shafts, and wells and keep acid or other toxic drainage from entering ground and surface waters;

(B) (i) conducting surface coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow, or runoff outside the permit area, but in no event shall contributions be in excess of requirements set by applicable State or Federal law;

(ii) constructing any siltation structures pursuant to subparagraph (B) (i) of this subsection prior to commencement of surface coal mining operations, such structures to be certified by a qualified registered engineer to be constructed as designed and as approved in the reclamation plan;

(C) cleaning out and removing temporary or large settling ponds or other siltation structures from drainways after disturbed areas are revegetated and stabilized; and depositing the silt and debris at a site and in a manner approved by the regulatory authority;

(D) restoring recharge capacity of the mined area to approximate premining conditions;

(E) avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

(F) preserving throughout the mining and reclamation process the essential hydrologic functions of alluvial valley floors in the arid and semiarid areas of the country; and

(G) such other actions as the regulatory authority may prescribe;

(11) with respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine working or excavations, stabilize all waste piles in designated areas through construction in compacted layers including the use of incombustible and impervious materials if necessary and assure the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to the provisions of this Act;

Waste disposal.

(12) refrain from surface coal mining within five hundred feet from active and abandoned underground mines in order to prevent breakthroughs and to protect health or safety of miners: *Provided*, That the regulatory authority shall permit an operator to mine near, through or partially through an abandoned underground mine or closer to an active underground mine if (A) the nature, timing, and sequencing of the approximate coincidence of specific surface mine activities with specific underground mine activities are jointly approved by the regulatory authorities concerned with surface mine regulation and the health and safety of underground miners, and (B) such operations will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public;

Underground mines.

(13) design, locate, construct, operate, maintain, enlarge, modify, and remove or abandon, in accordance with the standards

Coal mine waste piles.

and criteria developed pursuant to subsection (f) of this section, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes, and used either temporarily or permanently as dams or embankments;

Fire hazards.

(14) insure that all debris, acid-forming materials, toxic materials, or materials constituting a fire hazard are treated or buried and compacted or otherwise disposed of in a manner designed to prevent contamination of ground or surface waters and that contingency plans are developed to prevent sustained combustion;

Explosives.

(15) insure that explosives are used only in accordance with existing State and Federal law and the regulations promulgated by the regulatory authority, which shall include provisions to—

Notice and publication of blasting schedule.

(A) provide adequate advance written notice to local governments and residents who might be affected by the use of such explosives by publication of the planned blasting schedule in a newspaper of general circulation in the locality and by mailing a copy of the proposed blasting schedule to every resident living within one-half mile of the proposed blasting site and by providing daily notice to resident/occupiers in such areas prior to any blasting;

Log.

(B) maintain for a period of at least three years and make available for public inspection upon request a log detailing the location of the blasts, the pattern and depth of the drill holes, the amount of explosives used per hole, and the order and length of delay in the blasts;

(C) limit the type of explosives and detonating equipment, the size, the timing and frequency of blasts based upon the physical conditions of the site so as to prevent (i) injury to persons, (ii) damage to public and private property outside the permit area, (iii) adverse impacts on any underground mine, and (iv) change in the course, channel, or availability of ground or surface water outside the permit area;

(D) require that all blasting operations be conducted by trained and competent persons as certified by the regulatory authority;

Pre-blasting survey.

(E) provide that upon the request of a resident or owner of a man-made dwelling or structure within one-half mile of any portion of the permitted area the applicant or permittee shall conduct a pre-blasting survey of such structures and submit the survey to the regulatory authority and a copy to the resident or owner making the request. The area of the survey shall be decided by the regulatory authority and shall include such provisions as the Secretary shall promulgate.

Combined surface and underground mining, requirement variance.

(16) insure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the surface coal mining operations: *Provided, however*, That where the applicant proposes to combine surface mining operations with underground mining operations to assure maximum practical recovery of the mineral resources, the regulatory authority may grant a variance for specific areas within the reclamation plan from the requirement that reclamation efforts proceed as contemporaneously as practicable to permit underground mining operations prior to reclamation:

(A) if the regulatory authority finds in writing that:

(i) the applicant has presented, as part of the permit application, specific, feasible plans for the proposed underground mining operations;

(ii) the proposed underground mining operations are necessary or desirable to assure maximum practical recovery of the mineral resource and will avoid multiple disturbance of the surface;

(iii) the applicant has satisfactorily demonstrated that the plan for the underground mining operations conforms to requirements for underground mining in the jurisdiction and that permits necessary for the underground mining operations have been issued by the appropriate authority;

(iv) the areas proposed for the variance have been shown by the applicant to be necessary for the implementing of the proposed underground mining operations;

(v) no substantial adverse environmental damage, either on-site or off-site, will result from the delay in completion of reclamation as required by this Act;

(vi) provisions for the off-site storage of spoil will comply with section 515(b) (22);

(B) if the Secretary has promulgated specific regulations to govern the granting of such variances in accordance with the provisions of this subsection and section 501, and has imposed such additional requirements as he deems necessary;

Regulations.

Ante, p. 467.

(C) if variances granted under the provisions of this subsection are to be reviewed by the regulatory authority not more than three years from the date of issuance of the permit; and

(D) if liability under the bond filed by the applicant with the regulatory authority pursuant to section 509(b) shall be for the duration of the underground mining operations and until the requirements of sections 515(b) and 519 have been fully complied with.

(17) insure that the construction, maintenance, and postmining conditions of access roads into and across the site of operations will control or prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat, or public or private property;

Access roads.

(18) refrain from the construction of roads or other access ways up a stream bed or drainage channel or in such proximity to such channel so as to seriously alter the normal flow of water;

(19) establish on the regraded areas, and all other lands affected, a diverse, effective, and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area; except, that introduced species may be used in the revegetation process where desirable and necessary to achieve the approved postmining land use plan;

Revegetation.

(20) assume the responsibility for successful revegetation, as required by paragraph (19) above, for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with paragraph (19) above, except in those areas or regions of the country where the annual average precipitation is twenty-six inches or less, then the operator's assumption of responsibility and liability will extend for a period of ten full years after the last year of augmented seeding, fertilizing, irrigation, or other work: *Provided*, That when the regulatory authority approves a long-term intensive agricultural postmining land use, the applicable five- or ten-year

period of responsibility for revegetation shall commence at the date of initial planting for such long-term intensive agricultural postmining land use: *Provided further*, That when the regulatory authority issues a written finding approving a long-term, intensive, agricultural postmining land use as part of the mining and reclamation plan, the authority may grant exception to the provisions of paragraph (19) above;

Offsite area
protection.

(21) protect offsite areas from slides or damage occurring during the surface coal mining and reclamation operations, and not deposit spoil material or locate any part of the operations or waste accumulations outside the permit area;

Spoil disposal.

(22) place all excess spoil material resulting from coal surface mining and reclamation activities in such a manner that—

(A) spoil is transported and placed in a controlled manner in position for concurrent compaction and in such a way to assure mass stability and to prevent mass movement;

(B) the areas of disposal are within the bonded permit areas and all organic matter shall be removed immediately prior to spoil placement;

(C) appropriate surface and internal drainage systems and diversion ditches are used so as to prevent spoil erosion and movement;

(D) the disposal area does not contain springs, natural water courses or wet weather seeps unless lateral drains are constructed from the wet areas to the main underdrains in such a manner that filtration of the water into the spoil pile will be prevented;

(E) if placed on a slope, the spoil is placed upon the most moderate slope among those upon which, in the judgment of the regulatory authority, the spoil could be placed in compliance with all the requirements of this Act, and shall be placed, where possible, upon, or above, a natural terrace, bench, or berm, if such placement provides additional stability and prevents mass movement;

(F) where the toe of the spoil rests on a downslope, a rock toe buttress, of sufficient size to prevent mass movement, is constructed;

(G) the final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses;

(H) design of the spoil disposal area is certified by a qualified registered professional engineer in conformance with professional standards; and

(I) all other provisions of this Act are met.

(23) meet such other criteria as are necessary to achieve reclamation in accordance with the purposes of this Act, taking into consideration the physical, climatological, and other characteristics of the site; and

(24) to the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable;

Slide or erosion
barriers.

(25) provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as the regulatory authority shall determine shall be retained in place as a barrier to slides and erosion.

(c)(1) Each State program may and each Federal program shall include procedures pursuant to which the regulatory authority may permit surface mining operations for the purposes set forth in paragraph (3) of this subsection.

Restoration of original contour, exceptions.

(2) Where an applicant meets the requirements of paragraphs (3) and (4) of this subsection a permit without regard to the requirement to restore to approximate original contour set forth in subsection 515(b)(3) or 515(d)(2) and (3) of this section may be granted for the surface mining of coal where the mining operation will remove an entire coal seam or seams running through the upper fraction of a mountain, ridge, or hill (except as provided in subsection (c)(4)(A) hereof) by removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining, and capable of supporting postmining uses in accord with the requirements of this subsection.

(3) In cases where an industrial, commercial, agricultural, residential or public facility (including recreational facilities) use is proposed or the postmining use of the affected land, the regulatory authority may grant a permit for a surface mining operation of the nature described in subsection (c)(2) where—

(A) after consultation with the appropriate land use planning agencies, if any, the proposed postmining land use is deemed to constitute an equal or better economic or public use of the affected land, as compared with premining use;

(B) the applicant presents specific plans for the proposed postmining land use and appropriate assurances that such use will be—

- (i) compatible with adjacent land uses;
- (ii) obtainable according to data regarding expected need and market;
- (iii) assured of investment in necessary public facilities;
- (iv) supported by commitments from public agencies where appropriate;
- (v) practicable with respect to private financial capability for completion of the proposed use;
- (vi) planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use; and
- (vii) designed by a registered engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site;

(C) the proposed use would be consistent with adjacent land uses, and existing State and local land use plans and programs;

(D) the regulatory authority provides the governing body of the unit of general-purpose government in which the land is located and any State or Federal agency which the regulatory agency, in its discretion, determines to have an interest in the proposed use, an opportunity of not more than sixty days to review and comment on the proposed use;

(E) all other requirements of this Act will be met.

(4) In granting any permit pursuant to this subsection the regulatory authority shall require that—

(A) the toe of the lowest coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion;

(B) the reclaimed area is stable;

(C) the resulting plateau or rolling contour drains inward from the out slopes except at specified points;

(D) no damage will be done to natural watercourses;

(E) spoil will be placed on the mountaintop bench as is necessary to achieve the planned postmining land use: *Provided*, That all excess spoil material not retained on the mountaintop shall be placed in accordance with the provisions of subsection (b) (22) of this section;

(F) insure stability of the spoil retained on the mountaintop and meet the other requirements of this Act;

Regulations.

(5) The regulatory authority shall promulgate specific regulations to govern the granting of permits in accord with the provisions of this subsection, and may impose such additional requirements as he deems to be necessary.

Permit review.

(6) All permits granted under the provisions of this subsection shall be reviewed not more than three years from the date of issuance of the permit, unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.

Steep-slope
surface coal
mining.

(d) The following performance standards shall be applicable to steep-slope surface coal mining and shall be in addition to those general performance standards required by this section: *Provided, however*, That the provisions of this subsection (d) shall not apply to those situations in which an operator is mining on flat or gently rolling terrain, on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area or where an operator is in compliance with provisions of subsection (c) hereof:

(1) Insure that when performing surface coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter be placed on the downslope below the bench or mining cut: *Provided*, That spoil material in excess of that required for the reconstruction of the approximate original contour under the provisions of paragraph 515(b) (3) or 515(d) (2) shall be permanently stored pursuant to section 515(b) (22).

(2) Complete backfilling with spoil material shall be required to cover completely the highwall and return the site to the appropriate original contour, which material will maintain stability following mining and reclamation.

(3) The operator may not disturb land above the top of the highwall unless the regulatory authority finds that such disturbance will facilitate compliance with the environmental protection standards of this section: *Provided, however*, That the land disturbed above the highwall shall be limited to that amount necessary to facilitate said compliance.

“Steep slope.”

(4) For the purposes of this subsection (d), the term “steep slope” is any slope above twenty degrees or such lesser slope as may be defined by the regulatory authority after consideration of soil, climate, and other characteristics of a region or State.

Original contour
restoration,
requirements
variances.

(e) (1) Each State program may and each Federal program shall include procedures pursuant to which the regulatory authority may permit variances for the purposes set forth in paragraph (3) of this subsection, provided that the watershed control of the area is improved; and further provided complete backfilling with spoil material shall be required to cover completely the highwall which material will maintain stability following mining and reclamation.

(2) Where an applicant meets the requirements of paragraphs (3) and (4) of this subsection a variance from the requirement to restore to approximate original contour set forth in subsection 515(d) (2) of this section may be granted for the surface mining of coal where the owner of the surface knowingly requests in writing, as a part of the permit application that such a variance be granted so as to render the land, after reclamation, suitable for an industrial, commercial, residential, or public use (including recreational facilities) in accord with the further provisions of (3) and (4) of this subsection.

(3)(A) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is deemed to constitute an equal or better economic or public use;

(B) is designed and certified by a qualified registered professional engineer in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site; and

(C) after approval of the appropriate state environmental agencies, the watershed of the affected land is deemed to be improved.

(4) In granting a variance pursuant to this subsection the regulatory authority shall require that only such amount of spoil will be placed off the mine bench as is necessary to achieve the planned post-mining land use, insure stability of the spoil retained on the bench, meet all other requirements of this Act, and all spoil placement off the mine bench must comply with subsection 515(b) (22).

(5) The regulatory authority shall promulgate specific regulations to govern the granting of variances in accord with the provisions of this subsection, and may impose such additional requirements as he deems to be necessary.

Regulations.

(6) All exceptions granted under the provisions of this subsection shall be reviewed not more than three years from the date of issuance of the permit, unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the reclamation plan.

Review of exceptions.

(f) The Secretary, with the written concurrence of the Chief of Engineers, shall establish within one hundred and thirty-five days from the date of enactment, standards and criteria regulating the design, location, construction, operation, maintenance, enlargement, modification, removal, and abandonment of new and existing coal mine waste piles referred to in section 515(b) (13) and section 516 (b) (5). Such standards and criteria shall conform to the standards and criteria used by the Chief of Engineers to insure that flood control structures are safe and effectively perform their intended function. In addition to engineering and other technical specifications the standards and criteria developed pursuant to this subsection must include provisions for: review and approval of plans and specifications prior to construction, enlargement, modification, removal, or abandonment; performance of periodic inspections during construction; issuance of certificates of approval upon completion of construction; performance of periodic safety inspections; and issuance of notices for required remedial or maintenance work.

Coal mine waste piles, standards and criteria.

SURFACE EFFECTS OF UNDERGROUND COAL MINING OPERATIONS

SEC. 516. (a) The Secretary shall promulgate rules and regulations directed toward the surface effects of underground coal mining operations, embodying the following requirements and in accordance with

Rules and regulations.
30 USC 1266.

Ante, p. 467.

30 USC 801 note.

Requirements.

the procedures established under section 501 of this Act: *Provided, however,* That in adopting any rules and regulations the Secretary shall consider the distinct difference between surface coal mining and underground coal mining. Such rules and regulations shall not conflict with nor supersede any provision of the Federal Coal Mine Health and Safety Act of 1969 nor any regulation issued pursuant thereto, and shall not be promulgated until the Secretary has obtained the written concurrence of the head of the department which administers such Act.

(b) Each permit issued under any approved State or Federal program pursuant to this Act and relating to underground coal mining shall require the operator to—

(1) adopt measures consistent with known technology in order to prevent subsidence causing material damage to the extent technologically and economically feasible, maximize mine stability, and maintain the value and reasonably foreseeable use of such surface lands, except in those instances where the mining technology used requires planned subsidence in a predictable and controlled manner: *Provided,* That nothing in this subsection shall be construed to prohibit the standard method of room and pillar mining;

(2) seal all portals, entryways, drifts, shafts, or other openings between the surface and underground mine working when no longer needed for the conduct of the mining operations;

(3) fill or seal exploratory holes no longer necessary for mining, maximizing to the extent technologically and economically feasible return of mine and processing waste, tailings, and any other waste incident to the mining operation, to the mine workings or excavations;

(4) with respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine workings or excavations, stabilize all waste piles created by the permittee from current operations through construction in compacted layers including the use of incombustible and impervious materials if necessary and assure that the leachate will not degrade below water quality standards established pursuant to applicable Federal and State law surface or ground waters and that the final contour of the waste accumulation will be compatible with natural surroundings and that the site is stabilized and revegetated according to the provisions of this section;

(5) design, locate, construct, operate, maintain, enlarge, modify, and remove, or abandon, in accordance with the standards and criteria developed pursuant to section 515(f), all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes and used either temporarily or permanently as dams or embankments;

(6) establish on regraded areas and all other lands affected, a diverse and permanent vegetative cover capable of self-regeneration and plant succession and at least equal in extent of cover to the natural vegetation of the area;

(7) protect offsite areas from damages which may result from such mining operations;

(8) eliminate fire hazards and otherwise eliminate conditions which constitute a hazard to health and safety of the public;

(9) minimize the disturbances of the prevailing hydrologic balance at the minesite and in associated offsite areas and to the

quantity of water in surface ground water systems both during and after coal mining operations and during reclamation by—

(A) avoiding acid or other toxic mine drainage by such measures as, but not limited to—

(i) preventing or removing water from contact with toxic producing deposits;

(ii) treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses;

(iii) casing, sealing, or otherwise managing boreholes, shafts, and wells to keep acid or other toxic drainage from entering ground and surface waters; and

(B) conducting surface coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area (but in no event shall such contributions be in excess of requirements set by applicable State or Federal law), and avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

(10) with respect to other surface impacts not specified in this subsection including the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities, operate in accordance with the standards established under section 515 of this title for such effects which result from surface coal mining operations: *Provided*, That the Secretary shall make such modifications in the requirements imposed by this subparagraph as are necessary to accommodate the distinct difference between surface and underground coal mining;

(11) to the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable;

(12) locate openings for all new drift mines working acid-producing or iron-producing coal seams in such a manner as to prevent a gravity discharge of water from the mine.

(c) In order to protect the stability of the land, the regulatory authority shall suspend underground coal mining under urbanized areas, cities, towns, and communities and adjacent to industrial or commercial buildings, major impoundments, or permanent streams if he finds imminent danger to inhabitants of the urbanized areas, cities, towns, and communities.

Urbanized areas,
mining
suspension.

(d) The provisions of title V of this Act relating to State and Federal programs, permits, bonds, inspections and enforcement, public review, and administrative and judicial review shall be applicable to surface operations and surface impacts incident to an underground coal mine with such modifications to the permit application requirements, permit approval or denial procedures, and bond requirements as are necessary to accommodate the distinct difference between surface and underground coal mining. The Secretary shall promulgate such modifications in accordance with the rulemaking procedure established in section 501 of this Act.

Ante, p. 467.

INSPECTIONS AND MONITORING

30 USC 1267.

SEC. 517. (a) The Secretary shall cause to be made such inspections of any surface coal mining and reclamation operations as are necessary to evaluate the administration of approved State programs, or to develop or enforce any Federal program, and for such purposes authorized representatives of the Secretary shall have a right of entry to, upon, or through any surface coal mining and reclamation operations.

(b) For the purpose of developing or assisting in the development, administration, and enforcement of any approved State or Federal program under this Act or in the administration and enforcement of any permit under this Act, or of determining whether any person is in violation of any requirement of any such State or Federal program or any other requirement of this Act—

Records and
reports.

(1) the regulatory authority shall require any permittee to (A) establish and maintain appropriate records, (B) make monthly reports to the regulatory authority, (C) install, use, and maintain any necessary monitoring equipment or methods, (D) evaluate results in accordance with such methods, at such locations, intervals, and in such manner as a regulatory authority shall prescribe, and (E) provide such other information relative to surface coal mining and reclamation operations as the regulatory authority deems reasonable and necessary;

(2) for those surface coal mining and reclamation operations which remove or disturb strata that serve as aquifers which significantly insure the hydrologic balance of water use either on or off the mining site, the regulatory authority shall specify those—

(A) monitoring sites to record the quantity and quality of surface drainage above and below the minesite as well as in the potential zone of influence;

(B) monitoring sites to record level, amount, and samples of ground water and aquifers potentially affected by the mining and also directly below the lowermost (deepest) coal seam to be mined;

(C) records of well logs and borehole data to be maintained; and

(D) monitoring sites to record precipitation.

The monitoring data collection and analysis required by this section shall be conducted according to standards and procedures set forth by the regulatory authority in order to assure their reliability and validity; and

Right of entry.

(3) the authorized representatives of the regulatory authority, without advance notice and upon presentation of appropriate credentials (A) shall have the right of entry to, upon, or through any surface coal mining and reclamation operations or any premises in which any records required to be maintained under paragraph (1) of this subsection are located; and (B) may at reasonable times, and without delay, have access to and copy any records, inspect any monitoring equipment or method of operation required under this Act.

(c) The inspections by the regulatory authority shall (1) occur on an irregular basis averaging not less than one partial inspection per month and one complete inspection per calendar quarter for the surface coal mining and reclamation operation covered by each permit; (2) occur without prior notice to the permittee or his agents or employees except for necessary onsite meetings with the permittee; and (3) include the filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of this Act.

(d) Each permittee shall conspicuously maintain at the entrances to the surface coal mining and reclamation operations a clearly visible

sign which sets forth the name, business address, and phone number of the permittee and the permit number of the surface coal mining and reclamation operations.

(e) Each inspector, upon detection of each violation of any requirement of any State or Federal program or of this Act, shall forthwith inform the operator in writing, and shall report in writing any such violation to the regulatory authority.

(f) Copies of any records, reports, inspection materials, or information obtained under this title by the regulatory authority shall be made immediately available to the public at central and sufficient locations in the county, multicounty, and State area of mining so that they are conveniently available to residents in the areas of mining.

(g) No employee of the State regulatory authority performing any function or duty under this Act shall have a direct or indirect financial interest in any underground or surface coal mining operation. Whoever knowingly violates the provisions of this subsection shall, upon conviction, be punished by a fine of not more than \$2,500, or by imprisonment of not more than one year, or by both. The Secretary shall (1) within sixty days after enactment of this Act, publish in the Federal Register, in accordance with section 553 of title 5, United States Code, regulations to establish methods by which the provisions of this subsection will be monitored and enforced by the Secretary and such State regulatory authority, including appropriate provisions for the filing by such employees and the review of statements and supplements thereto concerning any financial interest which may be affected by this subsection, and (2) report to the Congress as part of the Annual Report (section 706) on actions taken and not taken during the preceding year under this subsection.

(h)(1) Any person who is or may be adversely affected by a surface mining operation may notify the Secretary or any representative of the Secretary responsible for conducting the inspection, in writing, of any violation of this Act which he has reason to believe exists at the surface mining site. The Secretary shall, by regulation, establish procedures for informal review of any refusal by a representative of the Secretary to issue a citation with respect to any such alleged violation. The Secretary shall furnish such persons requesting the review a written statement of the reasons for the Secretary's final disposition of the case.

(2) The Secretary shall also, by regulation, establish procedures to insure that adequate and complete inspections are made. Any such person may notify the Secretary of any failure to make such inspections, after which the Secretary shall determine whether adequate and complete inspections have been made. The Secretary shall furnish such persons a written statement of the reasons for the Secretary's determination that adequate and complete inspections have or have not been conducted.

PENALTIES

Sec. 518. (a) In the enforcement of a Federal program or Federal lands program, or during Federal enforcement pursuant to section 502 or during Federal enforcement of a State program pursuant to section 521 of this Act, any permittee who violates any permit condition or who violates any other provision of this title, may be assessed a civil penalty by the Secretary, except that if such violation leads to the issuance of a cessation order under section 521, the civil penalty shall be assessed. Such penalty shall not exceed \$5,000 for each viola-

Violations.

Information,
availability to
public.

Conflict of
interest.

Penalty.

Publication in
Federal Register.

Report to
Congress.

Review.

30 USC 1268.

Ante, p. 468.

tion. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments. In determining the amount of the penalty, consideration shall be given to the permittee's history of previous violations at the particular surface coal mining operation; the seriousness of the violation, including any irreparable harm to the environment and any hazard to the health or safety of the public; whether the permittee was negligent; and the demonstrated good faith of the permittee charged in attempting to achieve rapid compliance after notification of the violation.

Hearing.

(b) A civil penalty shall be assessed by the Secretary only after the person charged with a violation described under subsection (a) of this section has been given an opportunity for a public hearing. Where such a public hearing has been held, the Secretary shall make findings of fact, and he shall issue a written decision as to the occurrence of the violation and the amount of the penalty which is warranted, incorporating, when appropriate, an order therein requiring that the penalty be paid. When appropriate, the Secretary shall consolidate such hearings with other proceedings under section 521 of this Act. Any hearing under this section shall be of record and shall be subject to section 554 of title 5 of the United States Code. Where the person charged with such a violation fails to avail himself of the opportunity for a public hearing, a civil penalty shall be assessed by the Secretary after the Secretary has determined that a violation did occur, and the amount of the penalty which is warranted, and has issued an order requiring that the penalty be paid.

Notice.

(c) Upon the issuance of a notice or order charging that a violation of the Act has occurred, the Secretary shall inform the operator within thirty days of the proposed amount of said penalty. The person charged with the penalty shall then have thirty days to pay the proposed penalty in full or, if the person wishes to contest either the amount of the penalty or the fact of the violation, forward the proposed amount to the Secretary for placement in an escrow account. If through administrative or judicial review of the proposed penalty, it is determined that no violation occurred, or that the amount of the penalty should be reduced, the Secretary shall within thirty days remit the appropriate amount to the person, with interest at the rate of 6 percent, or at the prevailing Department of the Treasury rate, whichever is greater. Failure to forward the money to the Secretary within thirty days shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

Waiver.

(d) Civil penalties owed under this Act, may be recovered in a civil action brought by the Attorney General at the request of the Secretary in any appropriate district court of the United States.

Willful violations.

Ante, p. 468.

(e) Any person who willfully and knowingly violates a condition of a permit issued pursuant to a Federal program, a Federal lands program or Federal enforcement pursuant to section 502 or during Federal enforcement of a State program pursuant to section 521 of this Act or fails or refuses to comply with any order issued under section 521 or section 526 of this Act, or any order incorporated in a final decision issued by the Secretary under this Act, except an order incorporated in a decision issued under subsection (b) of this section or section 704 of this Act, shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than one year or both.

Post, p. 520.

Corporate violations.

(f) Whenever a corporate permittee violates a condition of a permit issued pursuant to a Federal program, a Federal lands program or Federal enforcement pursuant to section 502 or Federal enforcement of a State program pursuant to section 521 of this Act or fails or

refuses to comply with any order issued under section 521 of this Act, or any order incorporated in a final decision issued by the Secretary under this Act except an order incorporated in a decision issued under subsection (b) of this section or section 703 of this Act, any director, officer, or agent of such corporation who willfully and knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under subsections (a) and (e) of this section.

Post, p. 520.

(g) Whoever knowingly makes any false statement, representation, or certification, or knowingly fails to make any statement, representation, or certification in any application, record, report, plant, or other document filed or required to be maintained pursuant to a Federal program or a Federal lands program or any order of decision issued by the Secretary under this Act, shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than one year or both.

(h) Any operator who fails to correct a violation for which a citation has been issued under section 521(a) within the period permitted for its correction (which period shall not end until the entry of a final order by the Secretary, in the case of any review proceedings under section 525 initiated by the operator wherein the Secretary orders, after an expedited hearing, the suspension of the abatement requirements of the citation after determining that the operator will suffer irreparable loss or damage from the application of those requirements, or until the entry of an order of the court, in the case of any review proceedings under section 526 initiated by the operator wherein the court orders the suspension of the abatement requirements of the citation), shall be assessed a civil penalty of not less than \$750 for each day during which such failure or violation continues.

Failure to correct violations.

(i) As a condition of approval of any State program submitted pursuant to section 503 of this Act, the civil and criminal penalty provisions thereof shall, at a minimum, incorporate penalties no less stringent than those set forth in this section, and shall contain the same or similar procedural requirements relating thereto. Nothing herein shall be construed so as to eliminate any additional enforcement right or procedures which are available under State law to a State regulatory authority but which are not specifically enumerated herein.

Ante, p. 470.

RELEASE OF PERFORMANCE BONDS OR DEPOSITS

SEC. 519. (a) The permittee may file a request with the regulatory authority for the release of all or part of a performance bond or deposit. Within thirty days after any application for bond or deposit release has been filed with the regulatory authority, the operator shall submit a copy of an advertisement placed at least once a week for four successive weeks in a newspaper of general circulation in the locality of the surface coal mining operation. Such advertisement shall be considered part of any bond release application and shall contain a notification of the precise location of the land affected, the number of acres, the permit and the date approved, the amount of the bond filed and the portion sought to be released, and the type and appropriate dates of reclamation work performed, and a description of the results achieved as they relate to the operator's approved reclamation plan. In addition, as part of any bond release application, the applicant shall submit copies of letters which he has sent to adjoining property owners, local governmental bodies, planning agencies, and sewage and water treatment authorities, or water companies in the locality in

30 USC 1269.

Publication in newspaper.

which the surface coal mining and reclamation activities took place, notifying them of his intention to seek release from the bond.

Inspection and
evaluation.

(b) Upon receipt of the notification and request, the regulatory authority shall within thirty days conduct an inspection and evaluation of the reclamation work involved. Such evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of continuance of future occurrence of such pollution, and the estimated cost of abating such pollution. The regulatory authority shall notify the permittee in writing of its decision to release or not to release all or part of the performance bond or deposit within sixty days from the filing of the request, if no public hearing is held pursuant to section 519(f), and if there has been a public hearing held pursuant to section 519(f), within thirty days thereafter.

Notice.

(c) The regulatory authority may release in whole or in part said bond or deposit if the authority is satisfied the reclamation covered by the bond or deposit or portion thereof has been accomplished as required by this Act according to the following schedule:

(1) When the operator completes the backfilling, regrading, and drainage control of a bonded area in accordance with his approved reclamation plan, the release of 60 per centum of the bond or collateral for the applicable permit area.

(2) After revegetation has been established on the regraded mined lands in accordance with the approved reclamation plan. When determining the amount of bond to be released after successful revegetation has been established, the regulatory authority shall retain that amount of bond for the revegetated area which would be sufficient for a third party to cover the cost of reestablishing revegetation and for the period specified for operator responsibility in section 515 of reestablishing revegetation. No part of the bond or deposit shall be released under this paragraph so long as the lands to which the release would be applicable are contributing suspended solids to streamflow or runoff outside the permit area in excess of the requirements set by section 515(b) (10) or until soil productivity for prime farm lands has returned to equivalent levels of yield as nonmined land of the same soil type in the surrounding area under equivalent management practices as determined from the soil survey performed pursuant to section 507(b) (16). Where a silt dam is to be retained as a permanent impoundment pursuant to section 515(b) (8), the portion of bond may be released under this paragraph so long as provisions for sound future maintenance by the operator or the landowner have been made with the regulatory authority.

Ante, p. 474.

(3) When the operator has completed successfully all surface coal mining and reclamation activities, the release of the remaining portion of the bond, but not before the expiration of the period specified for operator responsibility in section 515: *Provided, however*, That no bond shall be fully released until all reclamation requirements of this Act are fully met.

Notice of
disapproval.

(d) If the regulatory authority disapproves the application for release of the bond or portion thereof, the authority shall notify the permittee, in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure said release and allowing opportunity for a public hearing.

Notice to
municipality.

(e) When any application for total or partial bond release is filed with the regulatory authority, the regulatory authority shall notify

the municipality in which a surface coal mining operation is located by certified mail at least thirty days prior to the release of all or a portion of the bond.

(f) Any person with a valid legal interest which might be adversely affected by release of the bond or the responsible officer or head of any Federal, State, or local governmental agency which has jurisdiction by law or special expertise with respect to any environmental, social, or economic impact involved in the operation, or is authorized to develop and enforce environmental standards with respect to such operations shall have the right to file written objections to the proposed release from bond to the regulatory authority within thirty days after the last publication of the above notice. If written objections are filed, and a hearing requested, the regulatory authority shall inform all the interested parties, of the time and place of the hearing, and hold a public hearing in the locality of the surface coal mining operation proposed for bond release within thirty days of the request for such hearing. The date, time, and location of such public hearings shall be advertised by the regulatory authority in a newspaper of general circulation in the locality for two consecutive weeks, and shall hold a public hearing in the locality of the surface coal mining operation proposed for bond release or at the State capital at the option of the objector, within thirty days of the request for such hearing.

Written
objections.

Hearing.

(g) Without prejudice to the rights of the objectors, the applicant, or the responsibilities of the regulatory authority pursuant to this section, the regulatory authority may establish an informal conference as provided in section 513 to resolve such written objections.

(h) For the purpose of such hearing the regulatory authority shall have the authority and is hereby empowered to administer oaths, subpoena witnesses, or written or printed materials, compel the attendance of witnesses, or production of the materials, and take evidence including but not limited to inspections of the land affected and other surface coal mining operations carried on by the applicant in the general vicinity. A verbatim record of each public hearing required by this Act shall be made, and a transcript made available on the motion of any party or by order of the regulatory authority.

Records.

CITIZEN SUITS

SEC. 520. (a) Except as provided in subsection (b) of this section, any person having an interest which is or may be adversely affected may commence a civil action on his own behalf to compel compliance with this Act—

Civil action.
30 USC 1270.

(1) against the United States or any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution which is alleged to be in violation of the provisions of this Act or of any rule, regulation, order or permit issued pursuant thereto, or against any other person who is alleged to be in violation of any rule, regulation, order or permit issued pursuant to this title; or

(2) against the Secretary or the appropriate State regulatory authority to the extent permitted by the eleventh amendment to the Constitution where there is alleged a failure of the Secretary or the appropriate State regulatory authority to perform any act or duty under this Act which is not discretionary with the Secretary or with the appropriate State regulatory authority.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties.

Jurisdiction.

- (b) No action may be commenced—
- (1) under subsection (a) (1) of this section—
- Notice. (A) prior to sixty days after the plaintiff has given notice in writing of the violation (i) to the Secretary, (ii) to the State in which the violation occurs, and (iii) to any alleged violator; or
- (B) if the Secretary or the State has commenced and is diligently prosecuting a civil action in a court of the United States or a State to require compliance with the provisions of this Act, or any rule, regulation, order, or permit issued pursuant to this Act, but in any such action in a court of the United States any person may intervene as a matter of right; or
- (2) under subsection (a) (2) of this section prior to sixty days after the plaintiff has given notice in writing of such action to the Secretary, in such manner as the Secretary shall by regulation prescribe, or to the appropriate State regulatory authority, except that such action may be brought immediately after such notification in the case where the violation or order complained of constitutes an imminent threat to the health or safety of the plaintiff or would immediately affect a legal interest of the plaintiff.
- Venue. (c) (1) Any action respecting a violation of this Act or the regulations thereunder may be brought only in the judicial district in which the surface coal mining operation complained of is located.
- (2) In such action under this section, the Secretary, or the State regulatory authority, if not a party, may intervene as a matter of right.
- (d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including attorney and expert witness fees) to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.
- 28 USC app. (e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any of the provisions of this Act and the regulations thereunder, or to seek any other relief (including relief against the Secretary or the appropriate State regulatory authority).
- (f) Any person who is injured in his person or property through the violation by any operator of any rule, regulation, order, or permit issued pursuant to this Act may bring an action for damages (including reasonable attorney and expert witness fees) only in the judicial district in which the surface coal mining operation complained of is located. Nothing in this subsection shall affect the rights established by or limits imposed under State Workmen's Compensation laws.

ENFORCEMENT

- Notice.
30 USC 1271. SEC. 521. (a) (1) Whenever, on the basis of any information available to him, including receipt of information from any person, the Secretary has reason to believe that any person is in violation of any requirement of this Act or any permit condition required by this Act, the Secretary shall notify the State regulatory authority, if one exists, in the State in which such violation exists. If no such State authority exists or the State regulatory authority fails within ten days after notification to take appropriate action to cause said violation to be corrected or to show good cause for such failure and transmit notification of its action to the Secretary, the Secretary shall immediately
- Federal inspection.

order Federal inspection of the surface coal mining operation at which the alleged violation is occurring unless the information available to the Secretary is a result of a previous Federal inspection of such surface coal mining operation. The ten-day notification period shall be waived when the person informing the Secretary provides adequate proof that an imminent danger of significant environmental harm exists and that the State has failed to take appropriate action. When the Federal inspection results from information provided to the Secretary by any person, the Secretary shall notify such person when the Federal inspection is proposed to be carried out and such person shall be allowed to accompany the inspector during the inspection.

Waiver.

Notice.

(2) When, on the basis of any Federal inspection, the Secretary or his authorized representative determines that any condition or practices exist, or that any permittee is in violation of any requirement of this Act or any permit condition required by this Act, which condition, practice, or violation also creates an imminent danger to the health or safety of the public, or is causing, or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources, the Secretary or his authorized representative shall immediately order a cessation of surface coal mining and reclamation operations or the portion thereof relevant to the condition, practice, or violation. Such cessation order shall remain in effect until the Secretary or his authorized representative determines that the condition, practice, or violation has been abated, or until modified, vacated, or terminated by the Secretary or his authorized representative pursuant to subparagraph (a)(5) of this section. Where the Secretary finds that the ordered cessation of surface coal mining and reclamation operations, or any portion thereof, will not completely abate the imminent danger to health or safety of the public or the significant imminent environmental harm to land, air, or water resources, the Secretary shall, in addition to the cessation order, impose affirmative obligations on the operator requiring him to take whatever steps the Secretary deems necessary to abate the imminent danger or the significant environmental harm.

Cessation order.

Affirmative obligations, imposition.

(3) When, on the basis of a Federal inspection which is carried out during the enforcement of a Federal program or a Federal lands program, Federal inspection pursuant to section 502, or section 504(b) or during Federal enforcement of a State program in accordance with subsection (b) of this section, the Secretary or his authorized representative determines that any permittee is in violation of any requirement of this Act or any permit condition required by this Act; but such violation does not create an imminent danger to the health or safety of the public, or cannot be reasonably expected to cause significant, imminent environmental harm to land, air, or water resources, the Secretary or authorized representative shall issue a notice to the permittee or his agent fixing a reasonable time but not more than ninety days for the abatement of the violation and providing opportunity for public hearing.

Notice and hearing.
Ante, p. 468.
Ante, p. 471.

If, upon expiration of the period of time as originally fixed or subsequently extended, for good cause shown and upon the written finding of the Secretary or his authorized representative, the Secretary or his authorized representative finds that the violation has not been abated, he shall immediately order a cessation of surface coal mining and reclamation operations or the portion thereof relevant to the violation. Such cessation order shall remain in effect until the Secretary or his authorized representative determines that the violation has been abated, or until modified, vacated, or terminated by the Secretary or

Cessation order.

his authorized representative pursuant to subparagraph (a)(5) of this section. In the order of cessation issued by the Secretary under this subsection, the Secretary shall determine the steps necessary to abate the violation in the most expeditious manner possible, and shall include the necessary measures in the order.

Permits,
suspension or
revocation.
Ante, p. 468.
Ante, p. 471.

(4) When, on the basis of a Federal inspection which is carried out during the enforcement of a Federal program or a Federal lands program, Federal inspection pursuant to section 502 or section 504 or during Federal enforcement of a State program in accordance with subsection (b) of this section, the Secretary or his authorized representative determines that a pattern of violations of any requirements of this Act or any permit conditions required by this Act exists or has existed, and if the Secretary or his authorized representative also find that such violations are caused by the unwarranted failure of the permittee to comply with any requirements of this Act or any permit conditions, or that such violations are willfully caused by the permittee, the Secretary or his authorized representative shall forthwith issue an order to the permittee to show cause as to why the permit should not be suspended or revoked and shall provide opportunity for a public hearing. If a hearing is requested the Secretary shall inform all interested parties of the time and place of the hearing. Upon the permittee's failure to show cause as to why the permit should not be suspended or revoked, the Secretary or his authorized representative shall forthwith suspend or revoke the permit.

Hearing.

Notices and
orders, contents.

(5) Notices and orders issued pursuant to this section shall set forth with reasonable specificity the nature of the violation and the remedial action required, the period of time established for abatement, and a reasonable description of the portion of the surface coal mining and reclamation operation to which the notice or order applies. Each notice or order issued under this section shall be given promptly to the permittee or his agent by the Secretary or his authorized representative who issues such notice or order, and all such notices and orders shall be in writing and shall be signed by such authorized representatives. Any notice or order issued pursuant to this section may be modified, vacated, or terminated by the Secretary or his authorized representative. A copy of any such order or notice shall be sent to the State regulatory authority in the State in which the violation occurs: *Provided*, That any notice or order issued pursuant to this section which requires cessation of mining by the operator shall expire within thirty days of actual notice to the operator unless a public hearing is held at the site or within such reasonable proximity to the site that any viewings of the site can be conducted during the course of public hearing.

Expiration date.
Hearing.

Inadequate State
enforcement.
Notice and
hearing.

(b) Whenever on the basis of information available to him, the Secretary has reason to believe that violations of all or any part of an approved State program result from a failure of the State to enforce such State program or any part thereof effectively, he shall after public notice and notice to the State, hold a hearing thereon in the State within thirty days of such notice. If as a result of said hearing the Secretary finds that there are violations and such violations result from a failure of the State to enforce all or any part of the State program effectively, and if he further finds that the State has not adequately demonstrated its capability and intent to enforce such State program, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Secretary that it will enforce this Act, the Secretary shall enforce, in the manner provided by this Act, any permit condition required under this Act, shall issue new or revised permits in accordance with

requirements of this Act, and may issue such notices and orders as are necessary for compliance therewith: *Provided*, That in the case of a State permittee who has met his obligations under such permit and who did not willfully secure the issuance of such permit through fraud or collusion, the Secretary shall give the permittee a reasonable time to conform ongoing surface mining and reclamation to the requirements of this Act before suspending or revoking the State permit.

(c) The Secretary may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the surface coal mining and reclamation operation is located or in which the permittee thereof has his principal office, whenever such permittee or his agent (A) violates or fails or refuses to comply with any order or decision issued by the Secretary under this Act, or (B) interferes with, hinders, or delays the Secretary or his authorized representatives in carrying out the provisions of this Act, or (C) refuses to admit such authorized representative to the mine, or (D) refuses to permit inspection of the mine by such authorized representative, or (E) refuses to furnish any information or report requested by the Secretary in furtherance of the provisions of this Act, or (F) refuses to permit access to, and copying of, such records as the Secretary determines necessary in carrying out the provisions of this Act. Such court shall have jurisdiction to provide such relief as may be appropriate. Temporary restraining orders shall be issued in accordance with rule 65 of the Federal Rules of Civil Procedure, as amended. Any relief granted by the court to enforce an order under clause (A) of this section shall continue in effect until the completion or final termination of all proceedings for review of such order under this title, unless, prior thereto, the district court granting such relief sets it aside or modifies it.

Civil action.

Jurisdiction.
Temporary
restraining
orders.
28 USC app.

(d) As a condition of approval of any State program submitted pursuant to section 503 of this Act, the enforcement provisions thereof shall, at a minimum, incorporate sanctions no less stringent than those set forth in this section, and shall contain the same or similar procedural requirements relating thereto. Nothing herein shall be construed so as to eliminate any additional enforcement rights or procedures which are available under State law to a State regulatory authority but which are not specifically enumerated herein.

Sanctions.
Ante, p. 470.

DESIGNATING AREAS UNSUITABLE FOR SURFACE COAL MINING

SEC. 522. (a)(1) To be eligible to assume primary regulatory authority pursuant to section 503, each State shall establish a planning process enabling objective decisions based upon competent and scientifically sound data and information as to which, if any, land areas of a State are unsuitable for all or certain types of surface coal mining operations pursuant to the standards set forth in paragraphs (2) and (3) of this subsection but such designation shall not prevent the mineral exploration pursuant to the Act of any area so designated.

State planning
process,
establishment.
30 USC 1272.

(2) Upon petition pursuant to subsection (c) of this section, the State regulatory authority shall designate an area as unsuitable for all or certain types of surface coal mining operations if the State regulatory authority determines that reclamation pursuant to the requirements of this Act is not technologically and economically feasible.

(3) Upon petition pursuant to subsection (c) of this section, a surface area may be designated unsuitable for certain types of surface coal mining operations if such operations will—

- (A) be incompatible with existing State or local land use plans or programs; or
- (B) affect fragile or historic lands in which such operations could result in significant damage to important historic, cultural, scientific, and esthetic values and natural systems; or
- (C) affect renewable resource lands in which such operations could result in a substantial loss or reduction of long-range productivity of water supply or of food or fiber products, and such lands to include aquifers and aquifer recharge areas; or
- (D) affect natural hazard lands in which such operations could substantially endanger life and property, such lands to include areas subject to frequent flooding and areas of unstable geology.
- (4) To comply with this section, a State must demonstrate it has developed or is developing a process which includes—
- (A) a State agency responsible for surface coal mining lands review;
- (B) a data base and an inventory system which will permit proper evaluation of the capacity of different land areas of the State to support and permit reclamation of surface coal mining operations;
- (C) a method or methods for implementing land use planning decisions concerning surface coal mining operations; and
- (D) proper notice, opportunities for public participation, including a public hearing prior to making any designation or redesignation, pursuant to this section.
- (5) Determinations of the unsuitability of land for surface coal mining, as provided for in this section, shall be integrated as closely as possible with present and future land use planning and regulation processes at the Federal, State, and local levels.
- (6) The requirements of this section shall not apply to lands on which surface coal mining operations are being conducted on the date of enactment of this Act or under a permit issued pursuant to this Act, or where substantial legal and financial commitments in such operation were in existence prior to January 4, 1977.
- (b) The Secretary shall conduct a review of the Federal lands to determine, pursuant to the standards set forth in paragraphs (2) and (3) of subsection (a) of this section, whether there are areas on Federal lands which are unsuitable for all or certain types of surface coal mining operations: *Provided, however,* That the Secretary may permit surface coal mining on Federal lands prior to the completion of this review. When the Secretary determines an area on Federal lands to be unsuitable for all or certain types of surface coal mining operations, he shall withdraw such area or condition any mineral leasing or mineral entries in a manner so as to limit surface coal mining operations on such area. Where a Federal program has been implemented in a State pursuant to section 504, the Secretary shall implement a process for designation of areas unsuitable for surface coal mining for non-Federal lands within such State and such process shall incorporate the standards and procedures of this section. Prior to designating Federal lands unsuitable for such mining, the Secretary shall consult with the appropriate State and local agencies.
- (c) Any person having an interest which is or may be adversely affected shall have the right to petition the regulatory authority to have an area designated as unsuitable for surface coal mining operations, or to have such a designation terminated. Such a petition shall contain allegations of facts with supporting evidence which would tend to establish the allegations. Within ten months after receipt of the petition the regulatory authority shall hold a public hearing in the

State process,
requirements.

Notice and
hearing.

Savings
provision.

Federal lands,
review.

Area withdrawal.

Ante, p. 471.

Petition.

Notice and
hearing.

locality of the affected area, after appropriate notice and publication of the date, time, and location of such hearing. After a person having an interest which is or may be adversely affected has filed a petition and before the hearing, as required by this subsection, any person may intervene by filing allegations of facts with supporting evidence which would tend to establish the allegations. Within sixty days after such hearing, the regulatory authority shall issue and furnish to the petitioner and any other party to the hearing, a written decision regarding the petition, and the reasons therefore. In the event that all the petitioners stipulate agreement prior to the requested hearing, and withdraw their request, such hearing need not be held.

Intervention.

Decision.

(d) Prior to designating any land areas as unsuitable for surface coal mining operations, the regulatory authority shall prepare a detailed statement on (i) the potential coal resources of the area, (ii) the demand for coal resources, and (iii) the impact of such designation on the environment, the economy, and the supply of coal.

Statement.

(e) After the enactment of this Act and subject to valid existing rights no surface coal mining operations except those which exist on the date of enactment of this Act shall be permitted—

Certain Federal,
public and
private lands,
mining
prohibition.

(1) on any lands within the boundaries of units of the National Park System, the National Wildlife Refuge Systems, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act and National Recreation Areas designated by Act of Congress;

16 USC 1276.

(2) on any Federal lands within the boundaries of any national forest: *Provided, however,* That surface coal mining operations may be permitted on such lands if the Secretary finds that there are no significant recreational, timber, economic, or other values which may be incompatible with such surface mining operations and—

(A) surface operations and impacts are incident to an underground coal mine; or

(B) where the Secretary of Agriculture determines, with respect to lands which do not have significant forest cover within those national forests west of the 100th meridian, that surface mining is in compliance with the Multiple-Use Sustained-Yield Act of 1960, the Federal Coal Leasing Amendments Act of 1975, the National Forest Management Act of 1976, and the provisions of this Act: *And provided further,* That no surface coal mining operations may be permitted within the boundaries of the Custer National Forest;

16 USC 528 note.
30 USC 181 note.
16 USC 1600
note.

(3) which will adversely affect any publicly owned park or places included in the National Register of Historic Sites unless approved jointly by the regulatory authority and the Federal, State, or local agency with jurisdiction over the park or the historic site;

(4) within one hundred feet of the outside right-of-way line of any public road, except where mine access roads or haulage roads join such right-of-way line and except that the regulatory authority may permit such roads to be relocated or the area affected to lie within one hundred feet of such road, if after public notice and opportunity for public hearing in the locality a written finding is made that the interests of the public and the landowners affected thereby will be protected; or

Notice and
hearing.

(5) within three hundred feet from any occupied dwelling, unless waived by the owner thereof, nor within three hundred

feet of any public building, school, church, community, or institutional building, public park, or within one hundred feet of a cemetery.

FEDERAL LANDS

Program
implementation.
30 USC 1273.

Post, p. 523.

30 USC 201.

Contracts.

States,
cooperative
agreement.

Ante, p. 468.

SEC. 523. (a) No later than one year after the date of enactment of this Act, the Secretary shall promulgate and implement a Federal lands program which shall be applicable to all surface coal mining and reclamation operations taking place pursuant to any Federal law on any Federal lands: *Provided*, That except as provided in section 710 the provisions of this Act shall not be applicable to Indian lands. The Federal lands program shall, at a minimum, incorporate all of the requirements of this Act and shall take into consideration the diverse physical, climatological, and other unique characteristics of the Federal lands in question. Where Federal lands in a State with an approved State program are involved, the Federal lands program shall, at a minimum, include the requirements of the approved State program: *Provided*, That the Secretary shall retain his duties under sections 2(a), (2)(B) and 2(a)(3) of the Federal Mineral Leasing Act, as amended, and shall continue to be responsible for designation of Federal lands as unsuitable for mining in accordance with section 522(b) of this title.

(b) The requirements of this Act and the Federal lands program or an approved State program for State regulation of surface coal mining on Federal lands under subsection (c), whichever is applicable, shall be incorporated by reference or otherwise in any Federal mineral lease, permit, or contract issued by the Secretary which may involve surface coal mining and reclamation operations. Incorporation of such requirements shall not, however, limit in any way the authority of the Secretary to subsequently issue new regulations, revise the Federal lands program to deal with changing conditions or changed technology, and to require any surface mining and reclamation operations to conform with the requirements of this Act and the regulations issued pursuant to this Act.

(c) Any State with an approved State program may elect to enter into a cooperative agreement with the Secretary to provide for State regulation of surface coal mining and reclamation operations on Federal lands within the State, provided the Secretary determines in writing that such State has the necessary personnel and funding to fully implement such a cooperative agreement in accordance with the provision of this Act. States with cooperative agreements existing on the date of enactment of this Act, may elect to continue regulation on Federal lands within the State, prior to approval by the Secretary of their State program, or imposition of a Federal program, provided that such existing cooperative agreement is modified to fully comply with the initial regulatory procedures set forth in section 502 of this Act. Nothing in this subsection shall be construed as authorizing the Secretary to delegate to the States his duty to approve mining plans on Federal lands, to designate certain Federal lands as unsuitable for surface coal mining pursuant to section 522 of this Act, or to regulate other activities taking place on Federal lands.

(d) The Secretary shall develop a program to assure that with respect to the granting of permits, leases, or contracts for coal owned by the United States, that no class of purchasers of the mined coal shall be unreasonably denied purchase thereof.

PUBLIC AGENCIES, PUBLIC UTILITIES, AND PUBLIC CORPORATIONS

SEC. 524. Any agency, unit, or instrumentality of Federal, State, or local government, including any publicly owned utility or publicly owned corporation of Federal, State, or local government, which proposes to engage in surface coal mining operations which are subject to the requirements of this Act shall comply with the provisions of title V.

Compliance.
30 USC 1274.

REVIEW BY SECRETARY

SEC. 525. (a) (1) A permittee issued a notice or order by the Secretary pursuant to the provisions of subparagraphs (a) (2) and (3) of section 521 of this title, or pursuant to a Federal program or the Federal lands program or any person having an interest which is or may be adversely affected by such notice or order or by any modification, vacation, or termination of such notice or order, may apply to the Secretary for review of the notice or order within thirty days of receipt thereof or within thirty days of its modification, vacation, or termination. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing, at the request of the applicant or the person having an interest which is or may be adversely affected, to enable the applicant or such person to present information relating to the issuance and continuance of such notice or order or the modification, vacation, or termination thereof. The filing of an application for review under this subsection shall not operate as a stay of any order or notice.

30 USC 1275.

(2) The permittee and other interested persons shall be given written notice of the time and place of the hearing at least five days prior thereto. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

Investigation.
Hearing.

(b) Upon receiving the report of such investigation, the Secretary shall make findings of fact, and shall issue a written decision, incorporating therein an order vacating, affirming, modifying, or terminating the notice or order, or the modification, vacation, or termination of such notice or order complained of and incorporate his findings therein. Where the application for review concerns an order for cessation of surface coal mining and reclamation operations issued pursuant to the provisions of subparagraph (a) (2) or (a) (3) of section 521 of this title, the Secretary shall issue the written decision within thirty days of the receipt of the application for review, unless temporary relief has been granted by the Secretary pursuant to subparagraph (c) of this section or by the court pursuant to subparagraph (c) of section 526 of this title.

Notice.

Findings of fact.
Decision.

(c) Pending completion of the investigation and hearing required by this section, the applicant may file with the Secretary a written request that the Secretary grant temporary relief from any notice or order issued under section 521 of this title, a Federal program or the Federal lands program together with a detailed statement giving reasons for granting such relief. The Secretary shall issue an order or decision granting or denying such relief expeditiously: *Provided*, That where the applicant requests relief from an order for cessation of coal mining and reclamation operations issued pursuant to subparagraph (a) (2) or (a) (3) of section 521 of this title, the order or decision on such a request shall be issued within five days of its receipt. The Secretary may grant such relief, under such conditions as he may prescribe, if—

Temporary relief.

Order or decision.

- Hearing. (1) a hearing has been held in the locality of the permit area on the request for temporary relief in which all parties were given an opportunity to be heard;
- (2) the applicant shows that there is substantial likelihood that the findings of the Secretary will be favorable to him; and
- (3) such relief will not adversely affect the health or safety of the public or cause significant, imminent environmental harm to land, air, or water resources.
- Notice and hearing. (d) Following the issuance of an order to show cause as to why a permit should not be suspended or revoked pursuant to section 521, the Secretary shall hold a public hearing after giving written notice of the time, place, and date thereof. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Within sixty days following the public hearing, the Secretary shall issue and furnish to the permittee and all other parties to the hearing a written decision, and the reasons therefor, concerning suspension or revocation of the permit. If the Secretary revokes the permit, the permittee shall immediately cease surface coal mining operations on the permit area and shall complete reclamation within a period specified by the Secretary, or the Secretary shall declare as forfeited the performance bonds for the operation.
- Decision. (e) Whenever an order is issued under this section, or as a result of any administrative proceeding under this Act, at the request of any person, a sum equal to the aggregate amount of all costs and expenses (including attorney fees) as determined by the Secretary to have been reasonably incurred by such person for or in connection with his participation in such proceedings, including any judicial review of agency actions, may be assessed against either party as the court, resulting from judicial review or the Secretary, resulting from administrative proceedings, deems proper.
- Costs, assessment.

JUDICIAL REVIEW

- 30 USC 1276. SEC. 526. (a) (1) Any action of the Secretary to approve or disapprove a State program or to prepare or promulgate a Federal program pursuant to this Act shall be subject to judicial review by the United States District Court for the District which includes the capital of the State whose program is at issue. Any action by the Secretary promulgating national rules or regulations including standards pursuant to sections 501, 515, 516, and 523 shall be subject to judicial review in the United States District Court for the District of Columbia Circuit. Any other action constituting rulemaking by the Secretary shall be subject to judicial review only by the United States District Court for the District in which the surface coal mining operation is located. Any action subject to judicial review under this subsection shall be affirmed unless the court concludes that such action is arbitrary, capricious, or otherwise inconsistent with law. A petition for review of any action subject to judicial review under this subsection shall be filed in the appropriate Court within sixty days from the date of such action, or after such date if the petition is based solely on grounds arising after the sixtieth day. Any such petition may be made by any person who participated in the administrative proceedings and who is aggrieved by the action of the Secretary.
- Petition. (2) Any order or decision issued by the Secretary in a civil penalty proceeding or any other proceeding required to be conducted pursuant to 5 U.S.C. § 554 (1970) shall be subject to judicial review on or before 30 days from the date of such order or decision in accordance with subsection (b) of this section in the United States District Court for
- Ante*, pp. 467, 486, 495.

the district in which the surface coal mining operation is located. In the case of a proceeding to review an order or decision issued by the Secretary under the penalty section of this Act, the court shall have jurisdiction to enter an order requiring payment of any civil penalty assessment enforced by its judgment. This availability of review established in this subsection shall not be construed to limit the operations of rights established in Section 520.

Jurisdiction.

(b) The court shall hear such petition or complaint solely on the record made before the Secretary. Except as provided in subsection (a), the findings of the Secretary if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any order or decision or may remand the proceedings to the Secretary for such further action as it may direct.

(c) In the case of a proceeding to review any order or decision issued by the Secretary under this Act, including an order or decision issued pursuant to subparagraph (c) or (d) of section 525 of this title pertaining to any order issued under subparagraph (a) (2), (a) (3), or (a) (4) of section 521 of this title for cessation of coal mining and reclamation operations, the court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceedings if—

Temporary relief.

(1) all parties to the proceedings have been notified and given an opportunity to be heard on a request for temporary relief;

Notice and hearing.

(2) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding; and

(3) such relief will not adversely affect the public health or safety or cause significant imminent environmental harm to land, air, or water resources.

(d) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the action, order, or decision of the Secretary.

(e) Action of the State regulatory authority pursuant to an approved State program shall be subject to judicial review by a court of competent jurisdiction in accordance with State law, but the availability of such review shall not be construed to limit the operation of the rights established in section 520 except as provided therein.

SPECIAL BITUMINOUS COAL MINES

SEC. 527. (a) The regulatory authority is authorized to issue separate regulations for those special bituminous coal surface mines located west of the 100th meridian west longitude which meet the following criteria:

Regulations.
30 USC 1277.

(1) the excavation of the specific mine pit takes place on the same relatively limited site for an extended period of time;

(2) the excavation of the specific mine pit follows a coal seam having an inclination of fifteen degrees or more from the horizontal, and continues in the same area proceeding downward with lateral expansion of the pit necessary to maintain stability or as necessary to accommodate the orderly expansion of the total mining operation;

(3) the excavation of the specific mine pit involves the mining of more than one coal seam and mining has been initiated on the deepest coal seam contemplated to be mined in the current operation;

(4) the amount of material removed is large in proportion to the surface area disturbed;

(5) there is no practicable alternative method of mining the coal involved;

(6) there is no practicable method to reclaim the land in the manner required by this Act; and

(7) the specific mine pit has been actually producing coal since January 1, 1972, in such manner as to meet the criteria set forth in this section, and, because of past duration of mining, is substantially committed to a mode of operation which warrants exceptions to some provisions of this title.

New bituminous coal mines.

(b) Such separate regulations shall also contain a distinct part to cover and pertain to new bituminous coal surface mines which may be developed after the date of enactment of this Act on lands immediately adjacent to lands upon which are located special bituminous mines existing on January 1, 1972. Such new mines shall meet the criteria of section 527(a) except for subparagraphs (3) and (7), and all requirements of State law, notwithstanding in whole or part the regulations issued pursuant to subsection (c) of this section. In the event of an amendment or revision to the State's regulatory program, regulations, or decisions made thereunder governing such mines, the Secretary shall issue such additional regulations as necessary to meet the purposes of this Act.

(c) Such alternative regulations may pertain only to the standards governing onsite handling of spoils, elimination of depressions capable of collecting water, creation of impoundments, and regrading to the approximate original contour and shall specify that remaining highwalls are stable. All other performance standards in this title shall apply to such mines.

SURFACE MINING OPERATIONS NOT SUBJECT TO THIS ACT

30 USC 1278.

SEC. 528. The provisions of this Act shall not apply to any of the following activities:

(1) the extraction of coal by a landowner for his own noncommercial use from land owned or leased by him;

(2) the extraction of coal for commercial purposes where the surface mining operation affects two acres or less; and

(3) the extraction of coal as an incidental part of Federal, State or local government-financed highway or other construction under regulations established by the regulatory authority.

ANTHRACITE COAL MINES

Regulations.
30 USC 1279.

SEC. 529. (a) The Secretary is hereby authorized to and shall issue separate regulations according to time schedules established in the Act for anthracite coal surface mines, if such mines are regulated by environmental protection standards of the State in which they are located. Such alternative regulations shall adopt, in each instance, the environmental protection provisions of the State regulatory program in existence at the date of enactment of this Act in lieu of sections 515 and 516. Provisions of sections 509 and 519 are applicable except for specified bond limits and period of revegetation responsibility. All other provisions of this Act apply and the regulation issued by the Secretary of Interior for each State anthracite regulatory program shall so reflect: *Provided, however,* That upon amendment of a State's regulatory program for anthracite mining or regulations thereunder in force in lieu of the above-cited sections of this Act, the Secretary shall issue such additional regulations as necessary to meet the purposes of this Act.

Ante, pp. 486,
495.

Ante, pp. 479,
501.

(b) The Secretary of Interior shall report to Congress biennially, commencing on December 31, 1977, as to the effectiveness of such State anthracite regulatory programs operating in conjunction with this Act with respect to protecting the environment and such reports shall include those recommendations the Secretary deems necessary for program changes in order to better meet the environmental protection objectives of this Act.

Biennial report to Congress.

TITLE VI—DESIGNATION OF LANDS UNSUITABLE FOR NONCOAL MINING

DESIGNATION PROCEDURES

SEC. 601. (a) With respect to Federal lands within any State, the Secretary of Interior may, and if so requested by the Governor of such State shall, review any area within such lands to assess whether it may be unsuitable for mining operations for minerals or materials other than coal, pursuant to the criteria and procedures of this section.

Review.
30 USC 1281.

(b) An area of Federal land may be designated under this section as unsuitable for mining operations if (1) such area consists of Federal land of a predominantly urban or suburban character, used primarily for residential or related purposes, the mineral estate of which remains in the public domain, or (2) such area consists of Federal land where mining operations would have an adverse impact on lands used primarily for residential or related purposes.

(c) Any person having an interest which is or may be adversely affected shall have the right to petition the Secretary to seek exclusion of an area from mining operations pursuant to this section or the redesignation of an area or part thereof as suitable for such operations. Such petition shall contain allegations of fact with supporting evidence which would tend to substantiate the allegations. The petitioner shall be granted a hearing within a reasonable time and finding with reasons therefor upon the matter of their petition. In any instance where a Governor requests the Secretary to review an area, or where the Secretary finds the national interest so requires, the Secretary may temporarily withdraw the area to be reviewed from mineral entry or leasing pending such review: *Provided, however,* That such temporary withdrawal be ended as promptly as practicable and in no event shall exceed two years.

Exclusion
petition.

Hearing.

Temporary land
withdrawal.

(d) In no event is a land area to be designated unsuitable for mining operations under this section on which mining operations are being conducted prior to the holding of a hearing on such petition in accordance with subsection (c) hereof. Valid existing rights shall be preserved and not affected by such designation. Designation of an area as unsuitable for mining operations under this section shall not prevent subsequent mineral exploration of such area, except that such exploration shall require the prior written consent of the holder of the surface estate, which consent shall be filed with the Secretary. The Secretary may promulgate, with respect to any designated area, regulations to minimize any adverse effects of such exploration.

Rights,
preservation.

Regulations.

(e) Prior to any designation pursuant to this section, the Secretary shall prepare a detailed statement on (i) the potential mineral resources of the area, (ii) the demand for such mineral resources, and (iii) the impact of such designation or the absence of such designation on the environment, economy, and the supply of such mineral resources.

Statement.

(f) When the Secretary designates an area of Federal lands as unsuitable for all or certain types of mining operations for minerals

Area withdrawal.

and materials other than coal pursuant to this section he may withdraw such area from mineral entry or leasing, or condition such entry or leasing so as to limit such mining operations in accordance with his determination, if the Secretary also determines, based on his analysis pursuant to subsection 601(e), that the benefits resulting from such designation would be greater than the benefits to the regional or national economy which could result from mineral development of such area.

Appeal.

(g) Any party with a valid legal interest who has appeared in the proceedings in connection with the Secretary's determination pursuant to this section and who is aggrieved by the Secretary's decision (or by his failure to act within a reasonable time) shall have the right of appeal for review by the United States district court for the district in which the pertinent area is located.

TITLE VII—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

DEFINITIONS

30 USC 1291.

SEC. 701. For the purposes of this Act—

(1) "alluvial valley floors" means the unconsolidated stream laid deposits holding streams where water availability is sufficient for subirrigation or flood irrigation agricultural activities but does not include upland areas which are generally overlain by a thin veneer of colluvial deposits composed chiefly of debris from sheet erosion, deposits by unconcentrated runoff or slope wash, together with talus, other mass movement accumulation and wind-blown deposits;

(2) "approximate original contour" means that surface configuration achieved by backfilling and grading of the mined area so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls and spoil piles eliminated; water impoundments may be permitted where the regulatory authority determines that they are in compliance with section 515(b) (8) of this Act;

Ante, p. 486.

(3) "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States, or between a State and any other place outside thereof, or between points in the same State which directly or indirectly affect interstate commerce;

(4) "Federal lands" means any land, including mineral interests, owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except Indian lands: *Provided*, That for the purposes of this Act lands or mineral interests east of the one hundredth meridian west longitude owned by the United States and entrusted to or managed by the Tennessee Valley Authority shall not be subject to sections 714 (Surface Owner Protection) and 715 (Federal Lessee Protection) of this Act.

(5) "Federal lands program" means a program established by the Secretary pursuant to section 523 to regulate surface coal mining and reclamation operations on Federal lands;

Ante, p. 471.

(6) "Federal program" means a program established by the Secretary pursuant to section 504 to regulate surface coal mining

and reclamation operations on lands within a State in accordance with the requirements of this Act;

(7) "fund" means the Abandoned Mine Reclamation Fund established pursuant to section 401;

Ante, p. 456.

(8) "imminent danger to the health and safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirement of this Act in a surface coal mining and reclamation operation, which condition, practice, or violation could reasonably be expected to cause substantial physical harm to persons outside the permit area before such condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same conditions or practices giving rise to the peril, would not expose himself or herself to the danger during the time necessary for abatement;

(9) "Indian lands" means all lands, including mineral interests, within the exterior boundaries of any Federal Indian reservation, notwithstanding the issuance of any patent, and including rights-of-way, and all lands including mineral interests held in trust for or supervised by an Indian tribe;

(10) "Indian tribe" means any Indian tribe, band, group, or community having a governing body recognized by the Secretary;

(11) "lands within any State" or "lands within such State" means all lands within a State other than Federal lands and Indian lands;

(12) "Office" means the Office of Surface Mining Reclamation and Enforcement established pursuant to title II;

Ante, p. 449.

(13) "operator" means any person, partnership, or corporation engaged in coal mining who removes or intends to remove more than two hundred and fifty tons of coal from the earth by coal mining within twelve consecutive calendar months in any one location;

(14) "other minerals" means clay, stone, sand, gravel, metal-liferous and nonmetalliferous ores, and any other solid material or substances of commercial value excavated in solid form from natural deposits on or in the earth, exclusive of coal and those minerals which occur naturally in liquid or gaseous form;

(15) "permit" means a permit to conduct surface coal mining and reclamation operations issued by the State regulatory authority pursuant to a State program or by the Secretary pursuant to a Federal program;

(16) "permit applicant" or "applicant" means a person applying for a permit;

(17) "permit area" means the area of land indicated on the approved map submitted by the operator with his application, which area of land shall be covered by the operator's bond as required by section 509 of this Act and shall be readily identifiable by appropriate markers on the site;

Ante, p. 479.

(18) "permittee" means a person holding a permit;

(19) "person" means an individual, partnership, association, society, joint stock company, firm, company, corporation, or other business organization;

(20) the term "prime farmland" shall have the same meaning as that previously prescribed by the Secretary of Agriculture on the basis of such factors as moisture availability, temperature regime, chemical balance, permeability, surface layer composition, susceptibility to flooding, and erosion characteristics, and

which historically have been used for intensive agricultural purposes, and as published in the Federal Register.

Ante, p. 478. (21) "reclamation plan" means a plan submitted by an applicant for a permit under a State program or Federal program which sets forth a plan for reclamation of the proposed surface coal mining operations pursuant to section 508;

(22) "regulatory authority" means the State regulatory authority where the State is administering this Act under an approved State program or the Secretary where the Secretary is administering this Act under a Federal program;

(23) "Secretary" means the Secretary of the Interior, except where otherwise described;

(24) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam;

Ante, p. 470. (25) "State program" means a program established by a State pursuant to section 503 to regulate surface coal mining and reclamation operations, on lands within such State in accord with the requirements of this Act and regulations issued by the Secretary pursuant to this Act;

(26) "State regulatory authority" means the department or agency in each State which has primary responsibility at the State level for administering this Act;

(27) "surface coal mining and reclamation operations" means surface mining operations and all activities necessary and incident to the reclamation of such operations after the date of enactment of this Act;

(28) "surface coal mining operations" means—

Ante, p. 495. (A) activities conducted on the surface of lands in connection with a surface coal mine or subject to the requirements of section 516 surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, the uses of explosives and blasting, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal for interstate commerce at or near the mine site: *Provided, however*, That such activities do not include the extraction of coal incidental to the extraction of other minerals where coal does not exceed 16 $\frac{2}{3}$ per centum of the tonnage of minerals removed for purposes of commercial use or sale or coal explorations subject to section 512 of this Act; and

Ante, p. 483.

(B) the areas upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited struc-

tures, facilities, or other property or materials on the surface, resulting from or incident to such activities; and

(29) “unwarranted failure to comply” means the failure of a permittee to prevent the occurrence of any violation of his permit or any requirement of this Act due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit or the Act due to indifference, lack of diligence, or lack of reasonable care;

(30) “lignite coal” means consolidated lignitic coal having less than 8,300 British thermal units per pound, moist and mineral matter free;

(31) the term “coal laboratory”, as used in title VIII, means a university coal research laboratory established and operated pursuant to a designation made under section 801 of this Act;

(32) the term “institution of higher education” as used in titles VIII and IX, means any such institution as defined by section 1201(a) of the Higher Education Act of 1968.

20 USC 1141.

OTHER FEDERAL LAWS

SEC. 702. (a) Nothing in this Act shall be construed as superseding, amending, modifying, or repealing the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a), the National Environmental Policy Act of 1969 (42 U.S.C. 4321-47), or any of the following Acts or with any rule or regulation promulgated thereunder, including, but not limited to—

30 USC 1292.

(1) The Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721-740).

(2) The Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

30 USC 801 note.

(3) The Federal Water Pollution Control Act (79 Stat. 903), as amended (33 U.S.C. 1151-1175), the State laws enacted pursuant thereto, or other Federal laws relating to preservation of water quality.

(4) The Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

(5) The Solid Waste Disposal Act (42 U.S.C. 3251-3259).

(6) The Refuse Act of 1899 (33 U.S.C. 407).

(7) The Fish and Wildlife Coordination Act of 1934 (16 U.S.C. 661-666c).

(8) The Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.).

(b) Nothing in this Act shall affect in any way the authority of the Secretary or the heads of other Federal agencies under other provisions of law to include in any lease, license, permit, contract, or other instrument such conditions as may be appropriate to regulate surface coal mining and reclamation operations on land under their jurisdiction.

(c) To the greatest extent practicable each Federal agency shall cooperate with the Secretary and the States in carrying out the provisions of this Act.

Cooperation.

(d) Approval of the State programs, pursuant to section 503(b), promulgation of Federal programs, pursuant to section 504, and implementation of the Federal lands programs, pursuant to section 523 of this Act, shall not constitute a major action within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). Adoption of regulations under section 501(b) shall

Ante, p. 470.*Ante*, p. 471.*Ante*, p. 467.

constitute a major action within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

EMPLOYEE PROTECTION

Retaliatory
practices,
prohibition.
30 USC 1293.

SEC. 703. (a) No person shall discharge, or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

Review.

(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary for a review of such firing or alleged discrimination. A copy of the application shall be sent to the person or operator who will be the respondent.

Investigation.
Notice and
hearing.

Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to the alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation the Secretary shall make findings of fact. If he finds that a violation did occur, he shall issue a decision incorporating therein his findings and an order requiring the party committing the violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no violation, he will issue a finding. Orders issued by the Secretary under this subsection shall be subject to judicial review in the same manner as orders and decisions of the Secretary are subject to judicial review under this Act.

Findings of fact,
report.

Judicial review.

Costs,
assessment.

(c) Whenever an order is issued under this section to abate any violation, at the request of the applicant a sum equal to the aggregate amount of all costs and expenses (including attorneys' fees) to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the persons committing the violation.

PROTECTION OF GOVERNMENT EMPLOYEES

Penalty.
30 USC 1294.

SEC. 704. Section 1114, title 18, United States Code, is hereby amended by adding the words "or of the Department of the Interior" after the words "Department of Labor" contained in that section. Any person who shall, except as permitted by law, willfully resist, prevent, impede, or interfere with the Secretary or any of his agents in the performance of duties pursuant to this Act shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or both.

GRANTS TO THE STATES

30 USC 1295.

SEC. 705. (a) The Secretary is authorized to make annual grants to any State for the purpose of assisting such State in developing,

administering, and enforcing State programs under this Act. Except as provided in subsection (c) of this section, such grants shall not exceed 80 per centum of the total costs incurred during the first year, 60 per centum of total costs incurred during the second year, and 50 per centum of the total costs incurred during each year thereafter.

(b) The Secretary is authorized to cooperate with and provide assistance to any State for the purpose of assisting it in the development, administration, and enforcement of its State programs. Such cooperation and assistance shall include—

State programs,
assistance.

(1) technical assistance and training including provision of necessary curricular and instruction materials, in the development, administration, and enforcement of the State programs; and

(2) assistance in preparing and maintaining a continuing inventory of information on surface coal mining and reclamation operations for each State for the purposes of evaluating the effectiveness of the State programs. Such assistance shall include all Federal departments and agencies making available data relevant to surface coal mining and reclamation operations and to the development, administration, and enforcement of State programs concerning such operations.

(c) If, in accordance with section 523(d) of this Act, a State elects to regulate surface coal mining and reclamation operations on Federal lands, the Secretary may increase the amount of the annual grants under subsection (a) of this section by an amount which he determines is approximately equal to the amount the Federal Government would have expended for such regulation if the State had not made such election.

Annual grants,
increase.

ANNUAL REPORT

SEC. 706. The Secretary shall submit annually to the President and the Congress a report concerning activities conducted by him, the Federal Government, and the States pursuant to this Act. Among other matters, the Secretary shall include in such report recommendations for additional administrative or legislative action as he deems necessary and desirable to accomplish the purposes of this Act.

Annual report to
President and
Congress.
30 USC 1296.

SEVERABILITY

SEC. 707. If any provision of this Act or the applicability thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

30 USC 1297.

ALASKAN SURFACE COAL MINE STUDY

SEC. 708. (a) The Secretary is directed to contract to such extent or in such amounts as are provided in advance in appropriation Acts with the National Academy of Sciences-National Academy of Engineering for an in-depth study of surface coal mining conditions in the State of Alaska in order to determine which, if any, of the provisions of this Act should be modified with respect to surface coal mining operations in Alaska.

Contract.
30 USC 1298.

(b) The Secretary shall report on the findings of the study to the President and Congress no later than two years after the date of enactment of this Act.

Report to
President and
Congress.

(c) The Secretary shall include in his report a draft of legislation to implement any changes recommended to this Act.

Draft legislation.

Modifications.

(d) Until one year after the Secretary has made this report to the President and Congress, or three years after the date of enactment of this Act, whichever comes first, the Secretary is authorized to modify the applicability of any environmental protection provision of this Act, or any regulation issued pursuant thereto, to any surface coal mining operation in Alaska from which coal has been mined during the year preceding enactment of this Act if he determines that it is necessary to insure the continued operation of such surface coal mining operation. The Secretary may exercise this authority only after he has (1) published notice of proposed modification in the Federal Register and in a newspaper of general circulation in the area of Alaska in which the affected surface coal mining operation is located, and (2) held a public hearing on the proposed modification in Alaska.

Publication in Federal Register. Hearing.

Interim regulations.

Ante, p. 467.

(e) In order to allow new mines in Alaska to continue orderly development, the Secretary is authorized to issue interim regulations pursuant to section 501(b) including those modifications to the environmental standards as required based on the special physical, hydrological and climatic conditions in Alaska but with the purpose of protecting the environment to an extent equivalent to those standards for the other coal regions.

Appropriation authorization.

(f) There is hereby authorized to be appropriated for the purpose of this section \$250,000: *Provided*, That no new budget authority is authorized to be appropriated for fiscal year 1977.

STUDY OF RECLAMATION STANDARDS FOR SURFACE MINING OF OTHER MINERALS

Contract.
30 USC 1299.

SEC. 709. (a) The Chairman of the Council on Environmental Quality is directed to contract to such extent or in such amounts as are provided in appropriation Acts with the National Academy of Sciences-National Academy of Engineering, other Government agencies or private groups as appropriate, for an in-depth study of current and developing technology for surface and open pit mining and reclamation for minerals other than coal designed to assist in the establishment of effective and reasonable regulation of surface and open pit mining and reclamation for minerals other than coal. The study shall—

(1) assess the degree to which the requirements of this Act can be met by such technology and the costs involved;

(2) identify areas where the requirements of this Act cannot be met by current and developing technology;

(3) in those instances describe requirements most comparable to those of this Act which could be met, the costs involved, and the differences in reclamation results between these requirements and those of this Act; and

(4) discuss alternative regulatory mechanisms designed to insure the achievement of the most beneficial postmining land use for areas affected by surface and open pit mining.

Legislative recommendations, submittal to President and Congress.

(b) The study together with specific legislative recommendations shall be submitted to the President and the Congress no later than eighteen months after the date of enactment of this Act: *Provided*, That, with respect to surface or open pit mining for sand and gravel the study shall be submitted no later than twelve months after the date of enactment of this Act: *Provided further*, That with respect to mining for oil shale and tar sands that a preliminary report shall be submitted no later than twelve months after the date of enactment of this Act.

(c) There are hereby authorized to be appropriated for the purpose of this section \$500,000: *Provided*, That no new budget authority is authorized to be appropriated for fiscal year 1977.

Appropriation
authorization.

INDIAN LANDS

SEC. 710. (a) The Secretary is directed to study the question of the regulation of surface mining on Indian lands which will achieve the purpose of this Act and recognize the special jurisdictional status of these lands. In carrying out this study the Secretary shall consult with Indian tribes. The study report shall include proposed legislation designed to allow Indian tribes to elect to assume full regulatory authority over the administration and enforcement of regulation of surface mining of coal on Indian lands.

Study report,
submittal to
Congress.
30 USC 1300.

Proposed
legislation.

(b) The study report required by subsection (a) together with drafts of proposed legislation and the view of each Indian tribe which would be affected shall be submitted to the Congress as soon as possible but not later than January 1, 1978.

(c) On and after one hundred and thirty-five days from the enactment of this Act, all surface coal mining operations on Indian lands shall comply with requirements at least as stringent as those imposed by subsections 515(b) (2), 515(b) (3), 515(b) (5), 515(b) (10), 515(b) (13), 515(b) (19), and 515(d) of this Act and the Secretary shall incorporate the requirements of such provisions in all existing and new leases issued for coal on Indian lands.

Compliance.

Ante, p. 486.

(d) On and after thirty months from the enactment of this Act, all surface coal mining operations on Indian lands shall comply with requirements at least as stringent as those imposed by sections 507, 508, 509, 510, 515, 516, 517, and 519 of this Act and the Secretary shall incorporate the requirements of such provisions in all existing and new leases issued for coal on Indian lands.

Ante, pp. 474,
478, 479, 480,
486, 495, 498,
501.

(e) With respect to leases issued after the date of enactment of this Act, the Secretary shall include and enforce terms and conditions in addition to those required by subsections (c) and (d) as may be requested by the Indian tribe in such leases.

(f) Any change required by subsection (c) or (d) of this section in the terms and conditions of any coal lease on Indian lands existing on the date of enactment of this Act, shall require the approval of the Secretary.

Terms and
conditions.

(g) The Secretary shall provide for adequate participation by the various Indian tribes affected in the study authorized in this section and not more than \$700,000 of the funds authorized in section 712(a) shall be reserved for this purpose.

(h) The Secretary shall analyze and make recommendations regarding the jurisdictional status of Indian Lands outside the exterior boundaries of Indian reservations: *Provided*, That nothing in this Act shall change the existing jurisdictional status of Indian Lands.

EXPERIMENTAL PRACTICES

SEC. 711. In order to encourage advances in mining and reclamation practices or to allow post-mining land use for industrial, commercial, residential, or public use (including recreational facilities), the regulatory authority with approval by the Secretary may authorize departures in individual cases on an experimental basis from the environmental protection performance standards promulgated under sections 515 and 516 of this Act. Such departures may be authorized if (i) the experimental practices are potentially more or at least as environmentally protective, during and after mining operations, as those required by promulgated standards; (ii) the mining operations approved for particular land-use or other purposes are not larger or

30 USC 1301.

more numerous than necessary to determine the effectiveness and economic feasibility of the experimental practices; and (iii) the experimental practices do not reduce the protection afforded public health and safety below that provided by promulgated standards.

AUTHORIZATION OF APPROPRIATIONS

30 USC 1302.

SEC. 712. There is authorized to be appropriated to the Secretary for the purposes of this Act the following sums; and all such funds appropriated shall remain available until expended:

Ante, pp. 468,
510.

(a) For the implementation and funding of sections 502, 523, and 710, there are authorized to be appropriated to the Secretary of the Interior the sum of \$10,000,000 for the fiscal year ending September 30, 1978, and \$10,000,000 for each of the two succeeding fiscal years.

Ante, p. 474.

Ante, p. 456.

(b) Commencing in the fiscal year ending September 30, 1978, and for each fiscal year for a period of fifteen fiscal years thereafter, for the implementation and funding of section 507(c) there are authorized to be appropriated sums reserved by section 401(b)(1) for the purposes of section 507(c) and such additional sums, for the fiscal year ending September 30, 1978, and for each fiscal year for a period of fifteen fiscal years thereafter, are authorized to be appropriated as may be necessary to provide an amount not to exceed \$10,000,000 to carry out the purposes of section 507(c).

(c) For the implementation and funding of section 705 and for the administrative and other purposes of this Act, except as otherwise provided for in this Act, authorization is provided for the sum of \$20,000,000 for the fiscal year ending September 30, 1978, and \$30,000,000 for each of the two succeeding fiscal years and such funds that are required thereafter.

Limitation.

(d) In order that the implementation of the requirements of this Act may be initiated in a timely and orderly manner, the Secretary is authorized, subject to the approval of the appropriation Committees of the House and of the Senate, to utilize not to exceed \$2,000,000 of the appropriations otherwise available to him for the fiscal year ending September 30, 1977, for the administration and other purposes of the Act.

COORDINATION OF REGULATORY AND INSPECTION ACTIVITIES

30 USC 1303.

SEC. 713. (a) The President shall, to the extent appropriate, and in keeping with the particular enforcement requirements of each Act referred to herein, insure the coordination of regulatory and inspection activities among the departments, agencies, and instrumentalities to which such activities are assigned by this Act, by the Clean Air Act, by the Water Pollution Control Act, by the Department of Energy Organization Act, and by existing or subsequently enacted Federal mine safety and health laws, except that no such coordination shall be required with respect to mine safety and health inspections, advance notice of which is or may be prohibited by existing or subsequently enacted Federal mine safety and health laws.

42 USC 1857
note.

33 USC 1151
note.

Presidential
authority.

(b) The President may execute the coordination required by this section by means of an Executive order, or by any other mechanism he determines to be appropriate.

SURFACE OWNER PROTECTION

30 USC 1304.

SEC. 714. (a) The provisions of this section shall apply where coal owned by the United States under land the surface rights to which are

owned by a surface owner as defined in this section is to be mined by methods other than underground mining techniques.

(b) Any coal deposits subject to this section shall be offered for lease pursuant to section 2(a) of the Mineral Lands Leasing Act of 1920, as amended.

(c) The Secretary shall not enter into any lease of Federal coal deposits until the surface owner has given written consent to enter and commence surface mining operations and the Secretary has obtained evidence of such consent. Valid written consent given by any surface owner prior to the enactment of this Act shall be deemed sufficient for the purposes of complying with this section.

30 USC 201.
Consent.

(d) In order to minimize disturbance to surface owners from surface coal mining of Federal coal deposits and to assist in the preparation of comprehensive land-use plans required by section 2(a) of the Mineral Lands Leasing Act of 1920, as amended, the Secretary shall consult with any surface owner whose land is proposed to be included in a leasing tract and shall ask the surface owner to state his preference for or against the offering of the deposit under his land for lease. The Secretary shall, in his discretion but to the maximum extent practicable, refrain from leasing coal deposits for development by methods other than underground mining techniques in those areas where a significant number of surface owners have stated a preference against the offering of the deposits for lease.

(e) For the purpose of this section the term "surface owner" means the natural person or persons (or corporation, the majority stock of which is held by a person or persons who meet the other requirements of this section) who—

"Surface owner."

(1) hold legal or equitable title to the land surface;

(2) have their principal place of residence on the land; or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface coal mining operations; or receive directly a significant portion of their income, if any, from such farming or ranching operations; and

(3) have met the conditions of paragraphs (1) and (2) for a period of at least three years prior to the granting of the consent.

In computing the three-year period the Secretary may include periods during which title was owned by a relative of such person by blood or marriage during which period such relative would have met the requirements of this subsection.

(f) This section shall not apply to Indian lands.

(g) Nothing in this section shall be construed as increasing or diminishing any property rights by the United States or by any other landowner.

FEDERAL LESSEE PROTECTION

SEC. 715. In those instances where the coal proposed to be mined by surface coal mining operations is owned by the Federal Government and the surface is subject to a lease or a permit issued by the Federal Government, the application for a permit shall include either:

Permit
applications,
contents.
30 USC 1305.

(1) the written consent of the permittee or lessee of the surface lands involved to enter and commence surface coal mining operations on such land, or in lieu thereof;

(2) evidence of the execution of a bond or undertaking to the United States or the State, whichever is applicable, for the use and benefit of the permittee or lessee of the surface lands involved to secure payment of any damages to the surface estate which the operations will cause to the crops, or to the tangible improvements

of the permittee or lessee of the surface lands as may be determined by the parties involved, or as determined and fixed in an action brought against the operator or upon the bond in a court of competent jurisdiction. This bond is in addition to the performance bond required for reclamation under this Act.

ALASKA COAL

- 30 USC 1306. SEC. 716. Nothing in this Act shall be construed as increasing or diminishing the rights of any owner of coal in Alaska to conduct or authorize surface coal mining operations for coal which has been or is hereafter conveyed out of Federal ownership to the State of Alaska or pursuant to the Alaska Native Claims Settlement Act: *Provided*, That such surface coal mining operations meet the requirements of the Act.
- 43 USC 1604 note.

WATER RIGHTS AND REPLACEMENT

- 30 USC 1307. SEC. 717. (a) Nothing in this Act shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, his interest in water resources affected by a surface coal mining operation.
- (b) The operator of a surface coal mine shall replace the water supply of an owner of interest in real property who obtains all or part of his supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where such supply has been affected by contamination, diminution, or interruption proximately resulting from such surface coal mine operation.

ADVANCE APPROPRIATIONS

- 30 USC 1308. SEC. 718. Notwithstanding any other provision of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

CERTIFICATION AND TRAINING OF BLASTERS

- Regulations.
30 USC 1309.
Ante, p. 470. SEC. 719. In accordance with this Act, the Secretary of the Interior (or the approved State regulatory authority as provided for in section 503 of this Act) shall promulgate regulations requiring the training, examination, and certification of persons engaging in or directly responsible for blasting or use of explosives in surface coal mining operations.

TITLE VIII—UNIVERSITY COAL RESEARCH LABORATORIES

ESTABLISHMENT OF UNIVERSITY COAL RESEARCH LABORATORIES

- 30 USC 1311. SEC. 801. (a) The Administrator, Energy Research and Development Administration (hereafter referred to as "Administrator" in this title), after consultation with the National Academy of Engineering, is authorized and directed to designate ten institutions of higher education at which university coal research laboratories will be established and operated.
- Criteria. (b) In making designations under this section, the Administrator shall consider the following criteria:

(1) The institution of higher education shall be located in a State with abundant coal reserves.

(2) The institution of higher education shall have experience in coal research, expertise in several areas of coal research, and potential or currently active, outstanding programs in coal research.

(3) The institution of higher education has the capacity to establish and operate the coal laboratories to be assisted under this title.

(c) Not more than one coal laboratory established pursuant to this title shall be located in a single State and at least one coal laboratory shall be established within each of the major coal provinces recognized by the Bureau of Mines, including Alaska.

(d) The Administrator shall establish a period, not in excess of ninety days after the date of enactment of this Act, for the submission of applications for designation under this section. Any institution of higher education desiring to be designated under this title shall submit an application to the Administrator in such form, at such time, and containing or accompanied by such information as the Administrator may reasonably require. Each application shall—

Application.

(1) describe the facilities to be established for coal energy resources and conversion research and research on related environmental problems including facilities for interdisciplinary academic research projects by the combined efforts of specialists such as mining engineers, mineral engineers, geochemists, mineralogists, mineral economists, fuel scientists, combustion engineers, mineral preparation engineers, coal petrographers, geologists, chemical engineers, civil engineers, mechanical engineers, and ecologists;

Contents.

(2) set forth a program for the establishment of a test laboratory for coal characterization which, in addition, may be used as a site for the exchange of coal research activities by representatives of private industry engaged in coal research and characterization;

(3) set forth a program for providing research and development activities for students engaged in advanced study in any discipline which is related to the development of adequate energy supplies in the United States. The research laboratory shall be associated with an ongoing educational and research program on extraction and utilization of coal.

(e) The Administrator shall designate the ten institutions of higher education under this section not later than ninety days after the date on which such applications are to be submitted.

FINANCIAL ASSISTANCE

SEC. 802. (a) The Administrator is authorized to make grants to any institution of higher education designated under section 801 to pay the Federal share of the cost of establishing (including the construction of such facilities as may be necessary) and maintaining a coal laboratory.

Grants.
30 USC 1312.

(b) Each institution of higher education designated pursuant to section 801 shall submit an application to the Administrator. Each such application shall—

Application.
Contents.

(1) set forth the program to be conducted at the coal laboratory which includes the purposes set forth in section 801(d);

(2) provide assurances that the university will pay from non-Federal sources the remaining costs of carrying out the program set forth;

(3) provide such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds received under this title;

Report.

(4) provide for making an annual report which shall include a description of the activities conducted at the coal laboratory and an evaluation of the success of such activities, and such other necessary reports in such form and containing such information as the Administrator may require, and for keeping such records and affording such access thereto as may be necessary to assure the correctness and verification of such reports; and

(5) set forth such policies and procedures as will insure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available for the purposes of the activities described in subsections 801(d) (1), (2), and (3), and in no case supplant such funds.

LIMITATION ON PAYMENTS

30 USC 1313.

SEC. 803. (a) No institutions of higher education may receive more than \$4,000,000 for the construction of its coal research laboratory, including initially installed fixed equipment, nor may it receive more than \$1,500,000 for initially installed movable equipment, nor may it receive more than \$500,000 for new program startup expenses.

(b) No institution of higher education may receive more than \$1,500,000 per year from the Federal Government for operating expenses.

PAYMENTS

30 USC 1314.

SEC. 804. (a) From the amounts appropriated pursuant to section 806, the Administrator shall pay to each institution of higher education having an application approved under this title an amount equal to the Federal share of the cost of carrying out that application. Such payments may be in installments, by way of reimbursement, or by way of advance with necessary adjustments on account of underpayments or overpayments.

Operating
expenses, Federal
share.

(b) The Federal share of operating expenses for any fiscal year shall not exceed 50 per centum of the cost of the operation of a coal research laboratory.

ADVISORY COUNCIL ON COAL RESEARCH

Establishment.
Members.
30 USC 1315.

SEC. 805. (a) There is established an Advisory Council on Coal Research which shall be composed of—

- (1) the Administrator, ERDA, who shall be Chairman;
- (2) the Director of the Bureau of Mines of the Department of the Interior;
- (3) the President of the National Academy of Sciences;
- (4) the President of the National Academy of Engineering;
- (5) the Director of the United States Geological Survey; and
- (6) six members appointed by the Administrator from among individuals who, by virtue of experience or training, are knowledgeable in the field of coal research and mining, and who are representatives of institutions of higher education, industrial users of coal and coal-derived fuels, the coal industry, mine workers,

nonindustrial consumer groups, and institutions concerned with the preservation of the environment.

(b) The Advisory Council shall advise the Administrator with respect to the general administration of this title, and furnish such additional advice as he may request.

(c) The Advisory Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this title) to the President not later than December 31 of each calendar year. The President shall transmit each such report to the Congress.

Annual report to President, transmittal to Congress.

(d) (1) Members of the Council who are not regular officers or employees of the United States Government shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the Administrator but not exceeding the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

Compensation and travel expenses.

(2) Members of the Council who are officers or employees of the Government shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties on the Council.

(e) Whenever a member of the Council appointed under clauses (1) through (5) is unable to attend a meeting, that member shall appoint an appropriate alternate to represent him for that meeting.

Meeting alternates.

AUTHORIZATION OF APPROPRIATIONS

SEC. 806. There are authorized to be appropriated not to exceed \$30,000,000 for the fiscal year ending September 30, 1979 (including the cost of construction, equipment, and startup expenses), and \$7,500,000 beginning with the fiscal year 1980 each fiscal year thereafter through the fiscal year ending June 30, 1983, to carry out the provisions of this title.

30 USC 1316.

TITLE IX—ENERGY RESOURCE GRADUATE FELLOWSHIPS

PROGRAM AUTHORIZED

SEC. 901. (a) The Administrator ERDA (hereafter referred to as "Administrator" in this title), is authorized to award under the provisions of this title not to exceed one thousand fellowships for the fiscal year ending September 30, 1979, and each of the five succeeding fiscal years. Fellowships shall be awarded under the provisions of this title for graduate study and research in those areas of applied science and engineering that are related to the production, conservation, and utilization of fuels and energy. Fellowships shall be awarded to students in programs leading to master's degrees. Such fellowships may be awarded for graduate study and research at any institution of higher education, library, archive, or any other research center approved by the Administrator after consultation with the Commissioner of Education.

30 USC 1321.

(b) Such fellowships shall be awarded for such periods as the Administrator may determine, but not to exceed two years.

Term.

(c) In addition to the number of fellowships authorized to be awarded by subsection (a) of this section, the Administrator is authorized to award fellowships equal to the number previously awarded during any fiscal year under this title but vacated prior to the end of the period for which they were awarded; except that each fellowship awarded under this subsection shall be for such period of graduate work or research, not in excess of the remainder of the period for which the fellowship which it replaces was awarded as the Administrator may determine.

AWARDING OF FELLOWSHIPS

30 USC 1322.

SEC. 902. Recipients of fellowships under this title shall be—

(a) persons who have been accepted by an institution of higher education for graduate study leading to an advanced degree or for a professional degree, and

(b) persons who plan a career in the field of energy resources, production, or utilization.

DISTRIBUTION OF FELLOWSHIPS

30 USC 1323.

SEC. 903. In awarding fellowships under the provisions of this title, the Administrator shall endeavor to provide equitable distribution of such fellowships throughout the Nation, except that the Administrator shall give special attention to institutions of higher education, libraries, archives, or other research centers which have a demonstrated capacity to offer courses of study or research in the field of energy resources and conservation and conversion and related disciplines. In carrying out his responsibilities under this section, the Administrator shall take into consideration the projected need for highly trained engineers and scientists in the field of energy sources.

STIPENDS AND INSTITUTIONS OF HIGHER EDUCATION ALLOWANCES

30 USC 1324.

SEC. 904. (a) Each person awarded a fellowship under this title shall receive a stipend of not more than \$10,000 for each academic year of study. An additional amount of \$500 for each such calendar year of study shall be paid to such person on account of each of his dependents.

(b) In addition to the amount paid to such person pursuant to subsection (a) there shall be paid to the institution of higher education at which each such person is pursuing his course of study, 100 per centum of the amount paid to such person less the amount paid on account of such person's dependents, to such person less any amount charged such person for tuition.

LIMITATION

30 USC 1325.

“School or department of divinity.”

SEC. 905. No fellowship shall be awarded under this title for study at a school or department of divinity. For the purpose of this section, the term “school or department of divinity” means an institution or department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

FELLOWSHIP CONDITIONS

30 USC 1326.

SEC. 906. (a) A person awarded a fellowship under the provisions of this title shall continue to receive the payments provided in section 904(a) only during such periods as the Administrator finds that he is

maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-time employment in teaching, research, or similar activities, approved by the Administrator.

(b) The Administrator shall require reports containing such information in such forms and to be filed at such times as he determines necessary from each person awarded a fellowship under the provisions of this title. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive, or other research center approved by the Administrator, stating that such person is making satisfactory progress in, and is devoting essentially full time to the research for which the fellowship was awarded.

Reports.

APPROPRIATIONS AUTHORIZED

SEC. 907. There are authorized to be appropriated \$11,000,000 for the fiscal year ending September 30, 1979, and for each of the five succeeding fiscal years. For payments for the initial awarding of fellowships awarded under this title, there are authorized to be appropriated for the fiscal year ending September 30, 1979, and for each of the five succeeding fiscal years, such sums as may be necessary in order that fellowships already awarded might be completed.

30 USC 1327.

RESEARCH AND DEMONSTRATION PROJECTS OF ALTERNATIVE COAL MINING TECHNOLOGIES

SEC. 908. (a) The Administrator is authorized to conduct and promote the coordination and acceleration of, research, studies, surveys, experiments, demonstration projects, and training relating to—

30 USC 1328.

(1) the development and application of coal mining technologies which provide alternatives to surface disturbance and which maximize the recovery of available coal resources, including the improvement of present underground mining methods, methods for the return of underground mining wastes to the mine void, methods for the underground mining of thick coal seams and very deep seams; and

(2) safety and health in the application of such technologies, methods, and means.

(b) In conducting the activities authorized by this section, the Administrator may enter into contracts with and make grants to qualified institutions, agencies, organizations, and persons.

Contracts.
Grants.

(c) There are authorized to be appropriated to the Administrator, to carry out the purposes of this section, \$35,000,000 for each fiscal year beginning with the fiscal year 1979, and for each year thereafter for the next four years.

Appropriation
authorization.

(d) At least sixty days before any funds are obligated for any research studies, surveys, experiments or demonstration projects to be conducted or financed under this Act in any fiscal year, the Administrator in consultation with the heads of other Federal agencies having the authority to conduct or finance such projects, shall determine and publish such determinations in the Federal Register that such projects are not being conducted or financed by any other Federal agency. On December 31 of each calendar year, the Secretary shall report to the Congress on the research studies, surveys, experiments or demonstration projects, conducted or financed under this Act, including, but not limited to, a statement of the nature and purpose of each project, the

Publication in
Federal Register.

Report to
Congress.

Information,
availability to
public.
Ante, p. 454.

Federal cost thereof, the identity and affiliation of the persons engaged in such projects, the expected completion date of the projects and the relationship of the projects to other such projects of a similar nature.

(e) Subject to the patent provisions of section 306(d) of this Act, all information and data resulting from any research studies, surveys, experiments, or demonstration projects conducted or financed under this Act shall be promptly made available to the public.

Approved August 3, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-218 (Comm. on Interior and Insular Affairs) and No. 95-493 (Comm. of Conference).

SENATE REPORTS: No. 95-128 accompanying S. 7 (Comm. on Energy and Natural Resources) and No. 95-337 (Comm. on Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 28, 29, considered and passed House.

May 19, S. 7 considered in Senate.

May 20, considered and passed Senate, amended, in lieu of S. 7.

July 20, Senate agreed to conference report.

July 21, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 32:

Aug. 3, Presidential statement.

Public Law 95-88
95th Congress

An Act

To amend the Foreign Assistance Act of 1961 to authorize development assistance programs for fiscal year 1978, to amend the Agricultural Trade Development and Assistance Act of 1954 to make certain changes in the authorities of that Act, and for other purposes.

Aug. 3, 1977

[H.R. 6714]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

International
Development and
Food Assistance
Act of 1977.

SHORT TITLE

SECTION 1. This Act may be cited as the "International Development and Food Assistance Act of 1977".

22 USC 2151
note.

TITLE I—INTERNATIONAL DEVELOPMENT ASSISTANCE

DEVELOPMENT ASSISTANCE POLICY

SEC. 101. (a) Subsection (d) of section 102 of the Foreign Assistance Act of 1961 is amended to read as follows:

22 USC 2151.

"(d) (1) Development assistance furnished under this chapter shall be increasingly concentrated in countries which will make the most effective use of such assistance to help the poor toward a better life (especially such countries which are suffering from the worst and most widespread poverty and are in greatest need of outside assistance). In order to make possible consistent and informed judgments concerning which countries will make the most effective use of such assistance, the President shall propose appropriate criteria and factors to assess the commitment and progress of countries in meeting the objectives set forth in subsection (c) of this section and in other sections of this chapter. In developing such criteria and factors, the President shall specifically take into account their value in assessing countries' actions which demonstrate genuine concern and effective action for materially improving the lives of the poor and their ability to participate in development, including but not limited to efforts to—

Criteria and
factors,
development by
President.

"(A) increase agricultural productivity per unit of land through small-farm, labor-intensive agriculture;

"(B) reduce infant mortality;

"(C) control population growth;

"(D) promote greater equality of income distribution, including measures such as more progressive taxation and more equitable returns to small farmers; and

"(E) reduce rates of unemployment and underemployment.

A report on such proposed criteria and factors shall be transmitted to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate by January 31, 1978.

Report,
transmittal to
Speaker of the
House and
congressional
committee.

"(2) The President shall endeavor to bring about the adoption of similar criteria and factors by international development organizations in which the United States participates.

"(3) Presentation materials submitted to the Congress with respect to assistance under this chapter, beginning with fiscal year 1977, shall contain detailed information concerning the steps being taken to implement this subsection."

- 22 USC 2151. (b) Such section 102 is amended by adding at the end thereof the following new subsection:
- Grant authorization. “(e) For the purpose of promoting economic growth in the poorest countries, the President is authorized, notwithstanding any other provision of law, to make assistance under this chapter available to the relatively least developed countries on a grant basis to the maximum extent that is consistent with the attainment of United States development objectives.”.

FOOD AND NUTRITION

- 22 USC 2151a. SEC. 102. (a) Subsection (a) of section 103 of the Foreign Assistance Act of 1961 is amended—
- (1) by striking out “\$291,000,000” and all that follows through “1976 and”; and
- (2) by inserting “and \$580,000,000 for the fiscal year 1978” immediately after “1977”.
- India, assistance. (b) Such section 103 is amended by adding at the end thereof the following new subsection:
- “(h) Of the funds authorized to be appropriated by this section for the fiscal year 1978, the President is requested to commit up to \$60,000,000 for the purposes of assisting India with foreign exchange costs incurred in connection with the construction of grain storage facilities or other purposes specified in this section.”.

POPULATION PLANNING AND HEALTH

- 22 USC 2151b. SEC. 103. (a) Section 104 of the Foreign Assistance Act of 1961 is amended by striking out subsection (a) and inserting in lieu thereof the following new subsections:
- “(a) In order to increase the opportunities and motivation for family planning and to reduce the rate of population growth, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for population planning. There are authorized to be appropriated to the President for the purposes of this subsection, in addition to funds otherwise available for such purposes, \$167,000,000 for the fiscal year 1978, which amount is authorized to remain available until expended.
- “(b) In order to prevent and combat disease and to help provide health services for the great majority, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for health, disease prevention, and environmental sanitation. There are authorized to be appropriated to the President for the purposes of this subsection, in addition to funds otherwise available for such purposes, \$107,700,000 for the fiscal year 1978, which amount is authorized to remain available until expended.”.
- “(b) Subsection (b) of such section 104 is redesignated as subsection (c).
- “(c) Such section 104 is amended by adding at the end thereof the following new subsection:
- “(d)(1) Assistance under this chapter shall be administered so as to give particular attention to the interrelationship between (A) population growth, and (B) development and overall improvement in living standards in developing countries, and to the impact of all programs, projects, and activities on population growth. All appropriate activities proposed for financing under this chapter shall be designed to build motivation for smaller families in programs such as education in and out of school, nutrition, disease control, maternal

and child health services, agricultural production, rural development, and assistance to the urban poor.

“(2) The President is authorized to study the complex factors affecting population growth in developing countries and to identify factors which might motivate people to plan family size or space their children.” Study.

(d) The amendment made by subsection (a) of this section shall take effect on October 1, 1977. Effective date.
22 USC 2151b
note.

EDUCATION AND HUMAN RESOURCE DEVELOPMENT

SEC. 104. (a) Subsection (a) of section 105 of the Foreign Assistance Act of 1961 is amended—

22 USC 2151c.

(1) by striking out “\$90,000,000” and all that follows through “1976 and”; and

(2) by inserting “and \$84,900,000 for the fiscal year 1978” immediately after “1977”.

(b) Subsection (c) of such section is amended by inserting “for the fiscal year 1977, and not less than \$1,647,000 shall be available for the fiscal year 1978.” immediately after “shall be available”.

TECHNICAL ASSISTANCE, ENERGY, RESEARCH, RECONSTRUCTION, AND SELECTED DEVELOPMENT PROBLEMS

SEC. 105. Section 106(b) of the Foreign Assistance Act of 1961 is amended— 22 USC 2151d.

(1) by striking out “\$99,550,000 for the fiscal year 1976 and”; and

(2) by inserting “and \$105,000,000 for the fiscal year 1978” immediately after “fiscal year 1977”.

COST-SHARING AND FUNDING LIMITS

SEC. 106. Section 110 of the Foreign Assistance Act of 1961 is amended— 22 USC 2151h.

(1) in subsection (a) by striking out “107” and inserting in lieu thereof “106”; and

(2) in subsection (b)—

(A) by striking out “No” and inserting in lieu thereof “Except for grants to countries determined to be relatively least developed based on the United Nations Conference on Trade and Development list of ‘relatively least developed countries’, no”; and

(B) by striking out “107” and inserting in lieu thereof “106”.

DEVELOPMENT AND USE OF COOPERATIVES

SEC. 107. (a) Section 111 of the Foreign Assistance Act of 1961 is amended— 22 USC 2151i.

(1) in the first sentence by striking out “assistance in the development” and inserting in lieu thereof “technical and capital assistance in the development and use”; and

(2) by amending the second sentence to read as follows: “Not less than \$10,000,000 of the funds made available under this Act for the fiscal year 1978 may be used only for technical assistance to carry out the purposes of this section.”.

Effective date.
22 USC 2151i
note.

(b) The amendments made by subsection (a) shall take effect on October 1, 1977.

INTEGRATING WOMEN INTO NATIONAL ECONOMIES

22 USC 2151k.

SEC. 108. Section 113 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 113. INTEGRATING WOMEN INTO NATIONAL ECONOMIES.—(a) In recognition of the fact that women in developing countries play a significant role in economic production, family support, and the overall development process of the national economies of such countries, this part shall be administered so as to give particular attention to those programs, projects, and activities which tend to integrate women into the national economies of developing countries, thus improving their status and assisting the total development effort.

Report to
Speaker of the
House and
congressional
committee.

"(b) The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate a report on the impact of development programs, projects, and activities on the integration of women into the developing economies of countries receiving assistance under this part. The report shall include—

"(1) an evaluation of progress toward developing an adequate data base on the role of women in the national economies of recipient countries;

"(2) a specific description of the efforts undertaken to implement subsection (a); and

"(3) an evaluation of the effectiveness of such efforts.

"(c) The report required by subsection (b) shall be transmitted not later than one year after the date of enactment of this subsection."

PROHIBITION ON USE OF FUNDS FOR INVOLUNTARY STERILIZATIONS

22 USC 2151l.

SEC. 109. Section 114 of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "ABORTIONS.—" and inserting in lieu thereof "ABORTIONS OR INVOLUNTARY STERILIZATIONS.—(a)"; and

(2) by adding at the end thereof the following new subsection:
"(b) None of the funds made available to carry out this part shall be used to pay for the performance of involuntary sterilizations as a method of family planning or to coerce or provide any financial incentive to any person to practice sterilizations."

LIMITATIONS ON DEVELOPMENT ASSISTANCE

22 USC 2151m.

SEC. 110. Section 115(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

22 USC 2346.

22 USC 2441.

"(a) None of the funds made available to carry out this chapter may be used in any fiscal year for any country to which assistance is furnished in such fiscal year under chapter 4 of part II (security supporting assistance) or under part VI (assistance for Middle East peace) unless the Congress has specifically authorized such use of those funds. The specific authorization requirement of this subsection shall be deemed to be satisfied if the purpose for which funds are to be used is described in the presentation materials submitted to the Congress on proposed development assistance programs for the fiscal year in question and the Congress indicates its approval of such use in the legislation authorizing development assistance programs for such fiscal year."

HUMAN RIGHTS

SEC. 111. (a) Subsections (c) and (d) of section 116 of the Foreign Assistance Act of 1961 are amended to read as follows:

22 USC 2151n.

“(c) In determining whether or not a government falls within the provisions of subsection (a) and in formulating development assistance programs under this part, the Administrator shall consider, in consultation with the Coordinator for Human Rights and Humanitarian Affairs—

“(1) the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States; and

“(2) specific actions which have been taken by the President or the Congress relating to multilateral or security assistance to a less developed country because of the human rights practices or policies of such country.

“(d) The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by January 31 of each year, a full and complete report regarding—

Report to
Speaker of the
House and
congressional
committee.
Contents.

“(1) the status of internationally recognized human rights, within the meaning of subsection (a), in countries that receive assistance under this part; and

“(2) the steps the Administrator has taken to alter United States programs under this part in any country because of human rights considerations.”

(b) Such section 116 is amended by adding at the end thereof the following new subsection:

“(e) Of the funds made available under this chapter for the fiscal year 1978, not less than \$750,000 may be used only for studies to identify, and for openly carrying out, programs and activities which will encourage or promote increased adherence to civil and political rights, as set forth in the Universal Declaration of Human Rights, in countries eligible for assistance under this chapter. None of these funds may be used, directly or indirectly, to influence the outcome of any election in any country.”

INFANT NUTRITION

SEC. 112. Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

22 USC 2151o.

“SEC. 117. INFANT NUTRITION.—The President is encouraged (1) to devise and carry out in partnership with developing nations a strategy for programs of nutrition and health improvement for mothers and children, including breast-feeding, and (2) to provide technical, financial, and material support to individuals or groups at the local level for such programs.”

ENVIRONMENT AND NATURAL RESOURCES

SEC. 113. (a) Chapter 1 of part I of the Foreign Assistance Act of 1961, as amended by section 112 of this Act, is further amended by adding at the end thereof the following new section:

- 22 USC 2151p. "SEC. 118. ENVIRONMENT AND NATURAL RESOURCES.—The President is authorized to furnish assistance under this part for developing and strengthening the capacity of less developed countries to protect and manage their environment and natural resources. Special efforts shall be made to maintain and where possible restore the land, vegetation, water, wildlife, and other resources upon which depend economic growth and human well-being, especially that of the poor."
- 22 USC 2151. (b) Section 102 of such Act is amended—
- (1) by inserting in the seventh paragraph of subsection (a) "environment and natural resources," immediately after "decent housing,"; and
- (2) by inserting in subsection (b) (2) "environment and natural resources," immediately after "health,".

RENEWABLE AND UNCONVENTIONAL ENERGY TECHNOLOGIES

SEC. 114. Chapter 1 of part I of the Foreign Assistance Act of 1961, as amended by sections 112 and 113 of this Act, is further amended by adding at the end thereof the following new section:

- Cooperative programs.
22 USC 2151q. "SEC. 119. RENEWABLE AND UNCONVENTIONAL ENERGY TECHNOLOGIES.—(a) (1) The President is authorized to furnish assistance under this chapter for cooperative programs with developing countries in energy production and conservation, with particular emphasis on programs in research, development, and use of small-scale, decentralized, renewable energy sources for rural areas carried out as integral parts of rural development efforts in accordance with section 103 of this Act. Programs under this subsection shall be undertaken, whenever appropriate, in cooperation with the Energy Research and Development Administration or its successor and shall be carried out, to the greatest extent possible, through and in conjunction with activities under section 107 of this Act. These programs shall be directed toward the earliest practicable development and use of energy technologies which are environmentally acceptable, require minimum capital investment, are most acceptable to and affordable by the people using them, are simple and inexpensive to use and maintain, and are transferable from one region of the world to another.
- Ante*, p. 534.
Cooperation with ERDA.
22 USC 2151e. (2) Of the funds made available to carry out this chapter for the fiscal year 1978, up to \$18,000,000 are to be used for carrying out this subsection.

- Studies.
Report to Congress. " (b) (1) In furtherance of the purposes of this section, the President is authorized to carry out studies to identify the energy needs, uses, and resources which exist in developing countries. The results of the studies conducted under this subsection shall be reported to the Congress by March 1, 1978.

- Review by AID and ERDA. " (2) The Agency for International Development, in cooperation with the Energy Research and Development Administration or its successor, shall conduct a review of the options for implementing the purposes of this section, one of which shall be a proposal for a nonprofit Government corporation (which would be designated as the International Energy Institute) outside the Agency for International Development. The President shall submit a comprehensive report on such review to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate by January 31, 1978, together with his recommendations as to which option should be implemented."
- Report to Speaker of the House and congressional committee.

SAHEL DEVELOPMENT PROGRAM

SEC. 115. Part I of the Foreign Assistance Act of 1961 is amended—

- (1) by redesignating section 494B as section 120 and inserting such redesignated section at the end of chapter 1 of such part, as amended by sections 112, 113, and 114 of this Act;
- (2) by amending the section caption of such redesignated section to read “SAHEL DEVELOPMENT PROGRAM—PLANNING”; and
- (3) by inserting the following new section immediately after such redesignated section:

22 USC 2292e.
22 USC 2151r.

“SEC. 121. SAHEL DEVELOPMENT PROGRAM—IMPLEMENTATION.—(a) The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the long-term development of the Sahelian region. Assistance furnished under this section shall be in accordance with a long-term, multidonor development plan which calls for equitable burdensharing with other donors and shall be furnished, whenever appropriate, in cooperation with an international coordinating mechanism.

Assistance.
22 USC 2151s.

“(b) The President shall prepare an annual report on the Sahel Development Program concerning the allocation of the United States contribution to the Program, the extent of the contributions from other donor countries, the effectiveness of the integrated effort through the Club des Amis du Sahel, and the progress made in achieving the objectives of the Program.

Annual report.
Contents.

“(c) There are authorized to be appropriated to the President for purposes of this section beginning in the fiscal year 1978, in addition to funds otherwise available for such purposes, \$200,000,000, except that not to exceed \$50,000,000 may be appropriated under this section for the fiscal year 1978. Amounts appropriated under this section are authorized to remain available until expended.”.

Appropriation
authorization.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

SEC. 116. (a) Section 214 of the Foreign Assistance Act of 1961 is amended—

22 USC 2174.

- (1) in subsection (c)—

(A) by striking out “each of the fiscal years 1974” and all that follows through “1976 and” and inserting in lieu thereof “the fiscal year”; and

(B) by inserting “and for the fiscal year 1978, \$25,000,000,” immediately after “\$25,000,000,”;

- (2) in subsection (d)—

(A) by striking out “1974” and all that follows through “1976 and”; and

(B) by inserting “and 1978” immediately after “1977”; and

- (3) by adding at the end thereof the following new subsection:

“(f) Notwithstanding the provisions of subsection (b), funds appropriated under this section may be used for assistance to centers for pediatric plastic and reconstructive surgery established by Children’s Medical Relief International, except that assistance may not be furnished for the domestic operations of any such center located in the United States, its territories or possessions.”.

Pediatric plastic
and
reconstructive
surgery centers.

(b) The amendment made by subsection (a) (3) shall not apply to funds appropriated before the date of enactment of this Act.

Effective date.
22 USC 2174
note.

HOUSING AND OTHER CREDIT GUARANTY PROGRAMS

- 22 USC 2181. SEC. 117. (a) (1) Section 221 of the Foreign Assistance Act of 1961 is amended—
- (A) by striking out the second sentence; and
 - (B) in the last sentence, by inserting “, section 222(c),” immediately after “222(b)”.
- 22 USC 2182. (2) Section 222(c) of such Act is amended—
- (A) by inserting “or under section 221” immediately after “1969”; and
 - (B) by striking out “\$600,000,000” and inserting in lieu thereof “\$1,030,000,000”.
- 22 USC 2183. (3) Section 223(i) of such Act is amended by striking out “1978” and inserting in lieu thereof “1979”.
- 22 USC 2182a. (b) (1) Section 222A(h) of such Act is amended by striking out “December 31, 1977” and inserting in lieu thereof “September 30, 1978”.
- (2) Section 223(b) of such Act is amended—
- (A) by striking out “hereunder” and inserting in lieu thereof “under section 221 or 222 or under prior housing guaranty authorities”; and
 - (B) by adding at the end thereof the following new sentence: “Fees collected in connection with guaranties issued under section 222A shall likewise be available to meet similar expenses, costs, or liabilities incurred in connection with the programs authorized by that section.”.
- Supra.* (c) Section 223(j) of such Act is amended in the last sentence—
- (1) by striking out “1977” and inserting in lieu thereof “1978”; and
 - (2) by striking out “\$50,000,000”, “\$20,000,000”, and “\$15,000,000” and inserting in lieu thereof “\$75,000,000”, “\$30,000,000”, and “\$30,000,000”, respectively.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

- 22 USC 2222. SEC. 118. (a) Section 302(a)(1) of the Foreign Assistance Act of 1961 is amended—
- (1) by striking out “for the fiscal year 1974,” and all that follows through “\$194,500,000 and”;
 - (2) by inserting immediately before the period at the end of the first sentence “and for the fiscal year 1978, \$252,000,000”; and
 - (3) by adding at the end thereof the following new sentence: “Of the funds authorized to be appropriated under this subsection for the fiscal year 1978, not to exceed \$42,500,000 shall be available for voluntary contributions to the United Nations Relief and Works Agency for Palestine Refugees.”.
- Integration of women.
22 USC 2225. (b) Section 305 of such Act is amended by adding at the end thereof the following new sentence: “The President is further requested, in making United States contributions to such organizations, to take into account the progress, or lack of progress, of such organizations in adopting and implementing policies and practices which encourage and promote the integration of women into the national economies of member and recipient countries, and into professional and policy-making positions within such organizations, in accordance with the World Plan of Action of the Decade for Women.”.

INTERNATIONAL DISASTER ASSISTANCE

SEC. 119. The first sentence of section 492 of the Foreign Assistance Act of 1961 is amended by striking out "1976 and 1977" and inserting in lieu thereof "1977 and 1978". 22 USC 2292a.

ITALIAN RELIEF, REHABILITATION, AND RECONSTRUCTION

SEC. 120. Section 495B of the Foreign Assistance Act of 1961 is amended— 22 USC 2292h.

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting immediately after subsection (a) the following new subsection: Appropriation authorization.

"(b) There are authorized to be appropriated to the President \$30,000,000 for the fiscal year 1978 for relief, rehabilitation, and reconstruction assistance, in accordance with the provisions of section 491 and on such terms and conditions as he may determine, for the people who have been victimized by the recent earthquakes in Italy. Amounts appropriated under this subsection are authorized to remain available until expended." 22 USC 2292.

TURKEY RELIEF, REHABILITATION, AND RECONSTRUCTION

SEC. 121. Chapter 9 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 495D. TURKEY RELIEF, REHABILITATION, AND RECONSTRUCTION.—The President is requested to use up to \$10,000,000 of the funds made available under section 492 of this Act to provide relief, rehabilitation, and reconstruction assistance to the victims of the recent earthquakes in Turkey." 22 USC 2292k.

Supra.

USE OF FOREIGN VOLUNTARY NONPROFIT AGENCIES

SEC. 122. (a) Section 607 of the Foreign Assistance Act of 1961 is amended by inserting immediately before the period at the end of the first sentence "(including foreign voluntary nonprofit relief agencies so registered and approved when no United States voluntary nonprofit relief agency is available)". 22 USC 2357.

(b) For purposes of implementing the amendment made by subsection (a), the President shall issue regulations governing registration with and approval by the Advisory Committee on Voluntary Foreign Aid of foreign voluntary nonprofit agencies. Regulations. 22 USC 2357 note.

REPEAL OF PROHIBITIONS ON AID TO COUNTRIES ASSISTING OR TRADING WITH CUBA OR VIETNAM

SEC. 123. (a) Section 620(a) of the Foreign Assistance Act of 1961 is amended— 22 USC 2370.

(1) in the first sentence of paragraph (1) by striking out the semicolon and all that follows through "States"; and

(2) by striking out paragraph (3).

(b) Section 620(n) of such Act is repealed.

(c) Section 664 of such Act is repealed.

Repeal.
Repeal.
22 USC 2424.

INSPECTOR GENERAL, FOREIGN ASSISTANCE

SEC. 124. (a) (1) Section 624(d) of the Foreign Assistance Act of 1961 is repealed. Repeal. 22 USC 2384.

Duty assignment.
22 USC 2384
note.
Ante, p. 541.

(2) The President (A) may assign to the Inspector General, Foreign Service, any of the duties and responsibilities vested by such section 624(d) in the Inspector General, Foreign Assistance, and (B) may authorize the Inspector General, Foreign Service, to exercise such of the authorities granted by such section 624(d) to the Inspector General, Foreign Assistance, as the President determines are necessary to carry out any duties or responsibilities so assigned.

Repeal.

(b) Section 5315 of title 5, United State Code, is amended by repealing paragraphs (52) and (53).

Effective date.
22 USC 2384
note.

(c) The amendments made by this section shall take effect on July 1, 1978.

FOREIGN SERVICE OFFICERS

22 USC 2385.

SEC. 125. The last proviso of section 625(d)(2) of the Foreign Assistance Act of 1961 is amended by striking out the semicolon and "however, the authority contained in this proviso may not be exercised with respect to the assignment to such duty of more than fifty persons at any one time".

DOUBLE DIPPING

22 USC 2386.

SEC. 126. Section 626(b) of the Foreign Assistance Act of 1961 is amended by striking out "sections 3323(a) and 8344 of title 5 of the United States Code, section 872 of the Foreign Service Act of 1946, as amended, or any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, subject to section 5532" and inserting in lieu thereof "section 3323(a)".

COORDINATION OF UNITED STATES INTERNATIONAL DEVELOPMENT POLICIES AND PROGRAMS

22 USC 2399c.

SEC. 127. (a) Subsection (a) of section 640B of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new sentence: "The Committee shall advise the President concerning the degree to which bilateral and multilateral development assistance should focus on critical problems in those functional sectors which affect the lives of the majority of people in the developing countries: food production; rural development and nutrition; population planning and health; and education, public administration, and human resource development."

Report to
Congress.

(b) Subsection (d) of such section is amended to read as follows:

Contents.

"(d) The President shall report to the Congress during the first quarter of each calendar year on United States actions affecting the development of less developed countries. The report shall include (1) a comprehensive and coordinated review of all United States policies and programs having a major impact on the development of such countries, including but not limited to the areas of bilateral and multilateral assistance, trade, commodities, monetary affairs, private investment, debt, employment, food, energy, technology, population, oceans, environment, human settlements, natural resources, and participation in international agencies concerned with development; and (2) an assessment of the impact of such policies and programs on (A) national employment, wages, and working conditions in the United States, as well as other aspects of the United States economy, and (B) the well-being of the poor in the less developed countries in accordance with the approach to development outlined in subsections (c) and (d) of section 102 of this Act."

Ante, p. 533.

(c) Such section 640B is amended by adding at the end thereof the following new subsections:

“(e) The head of any of the departments or agencies referred to in subsection (a) may temporarily assign, upon the request of the Chairman, any employee from such department or agency to the staff of the Committee.

“(f) To carry out the purposes of subsection (a), the Committee shall—

“(1) prepare studies on various development problems;

“(2) devise implementation strategies on developmental problems appropriate to each such department or agency;

“(3) monitor and evaluate the results of the development activities of each such department or agency; and

“(4) arrange for the exchange of information and studies between such agencies and departments.

“(g) In his annual report to the Congress pursuant to subsection (d), the President shall include a report on the Committee’s operations pursuant to subsection (f).”.

Development
Coordination
Committee.
22 USC 2399c.

Studies.

Report to
Congress,
additional item.

REIMBURSABLE DEVELOPMENT PROGRAMS

SEC. 128. Section 661 of the Foreign Assistance Act of 1961 is amended—

(1) by striking out “up to \$1,000,000” and all that follows through “1976, and”;

(2) by inserting “of the funds made available for the purposes of this Act” immediately after “\$2,000,000” the second place it appears; and

(3) by inserting “and \$2,000,000 of the funds made available for the purposes of this Act in the fiscal year 1978” immediately after “1977”.

22 USC 2421.

OPERATING EXPENSES

SEC. 129. (a) Section 667 of the Foreign Assistance Act of 1961 is amended to read as follows:

“SEC. 667. OPERATING EXPENSES.—(a) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes, for the fiscal year 1978—

“(1) \$220,200,000 for necessary operating expenses of the agency primarily responsible for administering part I of this Act; and

“(2) such amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such agency.

“(b) Amounts appropriated under this section are authorized to remain available until expended.”.

(b) Section 109 of such Act is amended by inserting immediately before the period in the last sentence a comma and the following: “except that the authority of such sections may be used to transfer for the purposes of section 667 not to exceed five per centum of the amount of funds made available for section 667(a)(1)”.

Appropriation
authorization.
22 USC 2427.

22 USC 2151g.

Supra.

NOTIFICATION OF PROGRAM CHANGES

SEC. 130. Chapter 3 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

“SEC. 671. NOTIFICATION OF PROGRAM CHANGES.—None of the funds

Notice to
congressional
committees.
22 USC 2429b.

22 USC 2181, 2191.
22 USC 2261.

appropriated to carry out the purposes of this Act (except for programs under title III or title IV of chapter 2 of part I, chapter 5 of part I, and programs of disaster relief and rehabilitation) may be obligated for any activities, programs, projects, types of materiel assistance, countries, or other operations not justified, or in excess of the amount justified, to the Congress for obligation under this Act for any fiscal year unless the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives, and the Committee on Appropriations of each House of the Congress are notified fifteen days in advance of such obligation.”.

FUTURE UNITED STATES DEVELOPMENT ASSISTANCE

22 USC 2151 note.
22 USC 2151.

SEC. 131. It is the sense of the Congress that the United States should increase substantially its assistance for self-help development among the world's poorest people. Such assistance should be provided in accordance with the general policies and principles of chapter 1 of part I of the Foreign Assistance Act of 1961, with particular emphasis on encouraging and supporting more equitable patterns of economic growth, especially in the poorest countries, and should be coordinated with similar expanded efforts by international organizations, donor nations, and the recipient countries themselves.

LIMITATION ON USE OF FUNDS; MISSING IN ACTION IN VIETNAM

Reparations, prohibition.
22 USC 2151 note.

SEC. 132. (a) None of the funds authorized to be appropriated by this Act may be used for assistance to or reparations for the Socialist Republic of Vietnam, Cambodia, Laos, or Cuba.
(b) The President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam.

PLAN FOR INCREASED MINORITY BUSINESS PARTICIPATION IN FOREIGN ASSISTANCE ACTIVITIES

Transmittal to Congress.
22 USC 2151 note.
Contents.

SEC. 133. (a) The Administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 shall prepare and transmit to the Congress, not later than 30 days after the date of enactment of this Act, a detailed plan for the establishment of a section on minority business within such agency.
(b) Such plan shall include, but shall not be limited to—
(1) a description of where the section on minority business will be located in such agency's organizational structure and what relevant lines of authority will be established;
(2) a listing of the specific responsibilities that will be assigned to the section on minority business to enable it to increase, in a rational and effective manner, participation of minority business enterprises in activities funded by such agency;
(3) a design for a time-phase system for bringing about expanded minority business enterprise participation, including specific recommendations for percentage allocations of contracts by such agency to minority business enterprises;
(4) a proposed reporting system that will permit objective measuring of the degree of participation of minority business enterprises in comparison to the total activities funded by such agency;

- (5) a detailed projection of the administrative budgetary impact of the establishment of the section on minority business; and
- (6) a detailed set of objective criteria upon which determinations will be made as to the qualifications of minority business enterprises to receive contracts funded by such agency.

TITLE II—FOOD FOR PEACE

REPEAL OF CERTAIN PROHIBITIONS ON TITLE I FINANCING

SEC. 201. (a) Section 102 of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out “: *Provided*,” and all that follows through the end of the section and inserting in lieu thereof a period. 7 USC 1702.

(b) Section 103(d) of such Act is amended by striking out “, or (3)” and all that follows through “United Arab Republic under title I of this Act”. 7 USC 1703.

ALLOCATION OF TITLE I AGREEMENTS

SEC. 202. Section 111 of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out the first three sentences and inserting in lieu thereof the following: “Not more than 25 per centum of the food aid commodities provided under this title in each fiscal year shall be allocated and agreed to be delivered to countries other than those which meet the poverty criterion established for International Development Association financing and which are affected by inability to secure sufficient food for their immediate requirements through their own production or commercial purchase from abroad, unless the President certifies to the Congress that (1) the use of such food assistance is required for humanitarian food purposes, or (2) the quantity of commodities which would be required to be allocated under this section to countries which meet the International Development Association poverty criterion could not be used effectively to carry out the humanitarian or development purposes of this title. A reduction below 75 per centum in the proportion of food aid allocated and agreed to be delivered to countries which meet the International Development Association poverty criterion and which are affected by inability to secure sufficient food for their immediate requirements through their own production or commercial purchase from abroad which results from significantly changed circumstances occurring after the initial allocation shall not constitute a violation of the requirements of this section.”. 7 USC 1711. Certification to Congress.

Reduction.

HUMAN RIGHTS

SEC. 203. Title I of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new section: Agreements.

“SEC. 112. (a) No agreement may be entered into under this title to finance the sale of agricultural commodities to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial of the right to life, liberty, and the security of person, unless such agreement will directly benefit 7 USC 1712.

Report to
President.

Information,
submittal to
congressional
committees.

Report to
Speaker of the
House, President
of the Senate, and
congressional
committee.

the needy people in such country. An agreement will not directly benefit the needy people in the country for purposes of the preceding sentence unless either the commodities themselves or the proceeds from their sale will be used for specific projects or programs which the President determines would directly benefit the needy people of that country. The agreement shall specify how the projects or programs will be used to benefit the needy people and shall require a report to the President on such use within 6 months after the commodities are delivered to the recipient country.

“(b) To assist in determining whether the requirements of subsection (a) are being met, the Committee on Agriculture, Nutrition, and Forestry of the Senate or the Committee on International Relations of the House of Representatives may require the President to submit in writing information demonstrating that an agreement will directly benefit the needy people in a country.

“(c) In determining whether or not a government falls within the provisions of subsection (a), consideration shall be given to the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States.

“(d) The President shall transmit to the Speaker of the House of Representatives, the President of the Senate, and the Committee on Agriculture, Nutrition, and Forestry of the Senate, in the annual presentation materials on planned programming of assistance under this Act, a full and complete report regarding the steps he has taken to carry out the provisions of this section.”.

FINANCING THE SALE OF FOOD AND FIBER COMMODITIES

SEC. 204. Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended by section 203 of this Act, is further amended by adding at the end thereof the following new section:

7 USC 1713.

“SEC. 113. In the allocation of funds made available under this title, priority shall be given to financing the sale of food and fiber commodities.”.

HIGH PROTEIN, BLENDED, AND FORTIFIED FOODS

SEC. 205. Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended by sections 203 and 204 of this Act, is further amended by adding at the end thereof the following new section:

7 USC 1714.

“SEC. 114. (a) The Congress declares it to be the policy of the United States to assist developing countries in the transition from food assistance recipients to economic self-sufficiency and to assist those nations which have been recipients of high protein, blended, or fortified foods under title II of this Act to continue to combat hunger and malnutrition among the lower income segments of their population, especially children, through the continued provision of these foods under this title.

7 USC 1721.

“(b) In implementing the policy declared in subsection (a), the President, in entering into agreements for the sale of high protein, blended, or fortified foods under this title with countries which (1) give assurance that the benefits of any waiver under this section will be

passed on to the individual recipients of such foods, and (2) have a reasonable potential for transition to commercial purchasers of such foods, may make provisions for a waiver of repayment of up to that part of the product value which is attributable to the costs of processing, enrichment, or fortification.

“(c) In implementing this section, due care shall be taken to minimize its impact on other commercial and concessional sales of whole grains and, where feasible, agreements under this title utilizing the authority contained in this section will provide for sales of such commodities.”.

TITLE II MINIMUM DISTRIBUTION

SEC. 206. Section 201(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out “title shall be” and all that follows through “unless” and inserting in lieu thereof the following: “title— 7 USC 1721.

“(1) for fiscal years 1978 through 1980 shall be 1,600,000 metric tons, of which not less than 1,300,000 metric tons shall be distributed through nonprofit voluntary agencies and the World Food Program;

“(2) for fiscal year 1981 shall be 1,650,000 metric tons, of which not less than 1,350,000 metric tons shall be distributed through nonprofit voluntary agencies and the World Food Program; and

“(3) for fiscal year 1982 and each fiscal year thereafter shall be 1,700,000 metric tons, of which not less than 1,400,000 metric tons shall be distributed through nonprofit voluntary agencies and the World Food Program;

unless”.

TITLE II DISTRIBUTION PRIORITIES

SEC. 207. Section 202 of the Agricultural Trade Development and Assistance Act of 1954 is amended— 7 USC 1722.

(1) by inserting “(a)” immediately after “SEC. 202.”;

(2) by striking out the next to the last sentence; and

(3) by adding at the end thereof the following new subsection:

“(b) (1) Assistance to needy persons under this title shall be directed, insofar as practicable, toward community and other self-help activities designed to alleviate the causes of need for such assistance.

“(2) In order to assure that food commodities made available under this title are used effectively, indigenous workers shall be employed, to the extent feasible, to provide information on nutrition and conduct food distribution programs in the most remote villages.

“(3) In distributing food commodities under this title, priority shall be given, to the extent feasible, to those who are suffering from malnutrition by using means such as (A) giving priority within food programs for preschool children to malnourished children, and (B) giving priority to the poorest regions of countries.”.

USE OF FOREIGN NONPROFIT VOLUNTARY AGENCIES

SEC. 208. (a) Section 202(a) of the Agricultural Trade Development and Assistance Act of 1954, as redesignated by section 207(1) of this Act, is amended by inserting the following new sentence immediately after the second sentence: “If no United States nonprofit voluntary agency registered with and approved by the Advisory Committee on Voluntary Foreign Aid is available, the President may utilize a foreign nonprofit voluntary agency which is registered with and approved by the Advisory Committee.”.

Regulations.
7 USC 1722 note.

(b) For purposes of implementing the amendment made by subsection (a), the President shall issue regulations governing registration with an approval by the Advisory Committee on Voluntary Foreign Aid of foreign nonprofit voluntary agencies.

REIMBURSEMENT OF TRANSPORTATION COSTS

7 USC 1723.

SEC. 209. Section 203 of the Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) by striking out “, or, in the case of landlocked countries,” and inserting in lieu thereof a semicolon; and

(2) by inserting immediately after “points of entry abroad” the following: “in the case (1) of landlocked countries, (2) where ports cannot be used effectively because of natural or other disturbances, (3) where carriers to a specific country are unavailable, or (4) where a substantial savings in costs or time can be effected by the utilization of points of entry other than ports”.

SALE OF TITLE II COMMODITIES TO INCREASE PROGRAM EFFECTIVENESS

7 USC 1726.

SEC. 210. Section 206 of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out “purposes specified in section 103 of the Foreign Assistance Act of 1961” and inserting in lieu thereof “increasing the effectiveness of the programs of food distribution and increasing the availability of food commodities provided under this title to the neediest individuals in recipient countries”.

FOOD FOR DEVELOPMENT PROGRAM

7 USC 1427,
1431, 1692.

SEC. 211. (a) Title III of the Agricultural Trade Development and Assistance Act of 1954 is amended by—

(1) redesignating sections 301, 302, and 303 as sections 308, 309, and 310, respectively; and

(2) inserting immediately before section 308, as redesignated by paragraph (1), the following new sections:

7 USC 1727.

“SEC. 301. (a) In order to establish a strong relationship between United States food assistance and efforts by developing countries to increase the availability of food for the poor in such countries and improve in other ways the quality of their lives, the President is authorized to encourage the use of the resources provided by the concessional financing of agricultural commodities under this Act for agricultural and rural development, including voluntary family planning, health, and nutrition programs, by permitting the funds accruing from the local sale of such commodities which are used for such purposes to be applied against the repayment obligation of governments receiving concessional financing under this Act. The agreement between the United States Government and an eligible developing country government which provides for repayment of the obligation to the United States accruing from the concessional sale of United States agricultural commodities by the use of funds from the sale of such commodities in the participating country for specified development purposes shall be called a Food for Development Program.

“(b) The overall goal of assistance under this title shall be to increase the access of the poor in the recipient country to a growing and improving food supply through activities designed to improve the production, protection, and utilization of food, and to increase the well-being of the poor in the rural sector of the recipient country. Assistance under this title shall be used for programs of agricultural develop-

ment, rural development, nutrition, health services, and population planning, and the program described in section 406(a)(1) of this Act, in those countries which are undertaking (or are seriously prepared to undertake in connection with the provision of agricultural commodities under this Act) self-help measures to increase agricultural production, improve storage, transportation, and distribution of commodities, and reduce population growth in accordance with section 109 of this Act, when such programs are directed at and likely to achieve the policy objectives of sections 103 and 104 of the Foreign Assistance Act of 1961 and are consistent with the policy objectives of this Act. Particular emphasis should be placed on activities which effectively assist small farmers, tenants, sharecroppers, and landless agricultural laborers, by expanding their access to the rural economy through services and institutions at the local level, and otherwise providing opportunities for the poor who are dependent upon agriculture and agriculturally related activities to better their lives through their own efforts.

7 USC 1736.

7 USC 1709.

Ante, p. 534.

"SEC. 302. (a) Whenever the President, in consultation with the government of a developing country, determines that such developing country meets the criteria specified in subsection (b) of this section and could benefit from the sale of United States agricultural commodities (including processed and blended foods) for the purposes of generating funds or distributing such commodities for agricultural and rural development, and improving food distribution and use within such country, the President may designate such country as eligible for a Food for Development Program.

Eligibility.
7 USC 1727a.

"(b) In order to be eligible for a Food for Development Program under this section, a country must (1) have a need for external resources to improve its food production, marketing, distribution, and storage systems; (2) meet the criterion used to determine basic eligibility for development loans of the International Development Association of the International Bank for Reconstruction and Development; (3) have the ability to utilize effectively the resources made available by the sale of food commodities under this section for the purposes specified in clause (1) of this subsection; and (4) indicate the willingness to take steps to improve its food production, marketing, distribution, and storage systems.

"(c)(1) Except as provided in paragraph (2) of this subsection, the aggregate value of all agreements entered into under this title—

Agreements,
aggregate value.

"(A) for fiscal year 1978, shall be not less than 5 percent,

"(B) for fiscal year 1979, shall be not less than 10 percent, and

"(C) for fiscal year 1980 and each fiscal year thereafter, shall be not less than 15 percent,

of the aggregate value of all agreements entered into under title I of this Act for such fiscal year.

7 USC 1701.
Waiver.

"(2) The President may waive the requirement of paragraph (1) of this subsection with respect to a fiscal year if he determines that there are an insufficient number of agricultural and rural development projects which qualify for assistance under this title and that therefore the humanitarian purposes of this Act would be better served by furnishing financing under other provisions of this Act. Any such waiver shall be reported to the Congress, together with a detailed statement of the reasons for the lack of acceptable projects and a detailed description of efforts by the United States Government to assist eligible countries, pursuant to section 303(a), in identifying appropriate projects for assistance under this title.

Report to
Congress.

“(3) Greatest efforts shall be made by relevant United States agencies to encourage maximum utilization of assistance for Food for Development projects under this title, even beyond the minimums required by paragraph (1) of this subsection.

Multi-year
proposal,
submittal to
President.
7 USC 1727b.
Contents.

7 USC 1701.

“SEC. 303. (a) A country designated as eligible and wishing to participate in a Food for Development Program shall formulate, with the assistance (if requested) of the United States Government, a multi-year proposal which shall be submitted to the President. Such proposal shall include an annual value or amount of agricultural commodities proposed to be financed under the authority of title I of this Act pursuant to the provisions of this title, and a plan for the intended uses of commodities or the funds generated from the sale of such commodities, on an annual basis for each year such funds are to be disbursed. Such proposal shall also specify the nature and magnitude of problems to be affected by the effort, and shall present targets in quantified terms, insofar as possible, and a description of the relationships among the various projects, activities, or programs to be supported.

Ante, p. 534.

“(b) The multiyear utilization proposal for a Food for Development Program shall include, but not be limited to, a statement of how assistance under such Program will be integrated into and complement that country's overall development plans and other forms of bilateral and multilateral development assistance, including assistance made available under section 103 of the Foreign Assistance Act of 1961 or under any other title of this Act.

22 USC 2151
note.

“(c) In his review of any utilization proposal for a Food for Development Program, the President shall be satisfied that such assistance is intended to complement, but not replace, assistance authorized by the Foreign Assistance Act of 1961, or any other program of bilateral or multilateral assistance, or under the development program of the country desiring to initiate a Food for Development Program.

Credit.
7 USC 1727c.

“SEC. 304. (a) Whenever a utilization proposal has been agreed upon by the President and the participating country, the Commodity Credit Corporation is authorized to furnish credit under the authority of title I of this Act to the participating country for the purchase of a specific annual value of agricultural commodities to be delivered over a period of from one to five years, subject to the availability of commodities under section 401 of this Act.

Post, p. 551.

“(b) Notwithstanding any other provision of this Act, no payment except as provided for under this title shall be required of the recipient government as a part of any agreement to finance the sale of agricultural commodities pursuant to a Food for Development Program.

Waiver.

“(c) In making food assistance available under this title to a country on the United Nations Conference on Trade and Development list of relatively least developed countries, the President may waive any requirement contained in section 303 (a) or (b), in that portion of section 303(c) which requires that assistance under this title is intended to complement but not replace any part of the development program of the participating country, or in section 306, if he finds that such country is unable to meet such requirement but could use assistance under this title to meet important humanitarian or developmental objectives of this Act. Such waivers, and the reasons therefor, shall be reported annually by the President to the Congress.

Report to
Congress.
7 USC 1727d.

“SEC. 305. Funds generated from the sale of agricultural commodities by any participating country under this title shall be held in a

special account, where practicable, to be disbursed for the purposes described in the approved Food for Development Program of such country. The amount of funds disbursed for such purposes and in accordance with the agreement shall be deemed payments for the purposes of section 103(b) of this Act.

“Sec. 306. Not more than one year after the initial delivery of commodities to any country under this title and each year thereafter for the period of agreement, the government of the participating country, with the assistance (if requested) of the United States Government, shall submit a comprehensive report to the President on the activities and progress achieved under the Food for Development Program for such country, including, but not limited to, a comparison of results with projected targets, a specific accounting for funds generated, their uses, and the outstanding balances at the end of the most recent fiscal year. Such annual report may also include recommendations for modification and improvement in the Food for Development Program of such country.

Infra.
Report to
President.
7 USC 1727e.

“Sec. 307. (a) Each year the President shall review the disposition of all agreements providing for the use of the proceeds from the sale of agricultural commodities pursuant to this title for which such funds were not fully disbursed the preceding year. The results of such review shall be included in the annual report to the Congress required under section 408(a) of this Act.

Review.
7 USC 1727f.

“(b) If the President finds that the provisions of an agreement are not being substantially met, he shall not extend financing for sales under this title until the end of the following fiscal year or until the situation is remedied, whichever occurs first, unless the failure to meet the provisions is due to unusual circumstances beyond the control of the recipient government.”

Results, report to
Congress.
7 USC 1736b.

(b)(1) Section 103(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out “section 106(b)(2)” in the proviso and inserting in lieu thereof “title III”.

7 USC 1703.

(2) Section 106(b)(2) of such Act is amended by striking out the second and third sentences.

7 USC 1706.

ADEQUACY OF FACILITIES: EFFECT OF SHIPMENTS ON AGRICULTURAL PRODUCTION IN RECIPIENT COUNTRY

SEC. 212. Section 401 of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting “(a)” immediately after “SEC. 401.” and by adding at the end thereof the following new subsection:

7 USC 1731.

“(b) No agricultural commodity may be financed or otherwise made available under the authority of this Act except upon a determination by the Secretary of Agriculture that (1) adequate storage facilities are available in the recipient country at the time of exportation of the commodity to prevent the spoilage or waste of the commodity, and (2) the distribution of the commodity in the recipient country will not result in a substantial disincentive to domestic production in that country.”

REVISION OF REPORTING REQUIREMENTS; PROGRAM EVALUATION REPORTS

SEC. 213. Subsections (b) and (c) of section 408 of the Agricultural Trade Development and Assistance Act of 1954 are amended to read as follows:

7 USC 1736b.

Reports to
Congress.

“(b) Not later than September 30 of each year, the President shall submit to the Congress a report containing a global assessment of food production and needs and setting forth planned programming of food assistance under title I for the coming fiscal year. Not later than December 31, March 31, and June 30 of each year, the President shall submit a report to the Congress showing the current status of planned programming of food assistance under title I for the current fiscal year.

Program
evaluation,
submittal to
Congress.

“(c) Beginning October 1, 1978, and at each five-year interval thereafter, the President shall submit to the Congress a comparative cross-country evaluation of programs conducted under titles II and III. Such evaluations shall cover no fewer than five countries sampled from the developing regions (Asia, Africa, Latin America, and the Caribbean), and shall assess the nutritional and other impacts, achievements, problems, and future prospects for programs under these titles.”.

STUDY OF PAYMENTS OF OCEAN FREIGHT DIFFERENTIALS

7 USC 1708 note.

SEC. 214. The President shall conduct a comprehensive study of payment of ocean freight differentials between United States-flag rates and foreign-flag rates when United States-flag vessels are required to be used, in accordance with section 901(b) of the Merchant Marine Act, 1936, for the shipment of agricultural commodities under the Agricultural Trade Development and Assistance Act of 1954 and shall recommend possible changes in the method of reimbursement which is now borne by the Commodity Credit Corporation. Such study shall be completed within 180 days after the date of enactment of this section and submitted to the following committees of the Congress: the Senate Committee on Agriculture, Nutrition, and Forestry; the Senate Committee on Commerce, Science, and Transportation; the House Committee on Agriculture; the House Committee on Merchant Marine and Fisheries; and the House Committee on International Relations.

46 USC 1241.
7 USC 1691.

Submittal to
congressional
committees.

EFFECTIVE DATE

7 USC 1702 note.

SEC. 215. The provisions of this title shall become effective October 1, 1977.

Approved August 3, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-240 (Comm. on International Relations) and No. 95-501 (Comm. of Conference).

SENATE REPORT No. 95-161 accompanying S. 1520 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 123 (1977):

May 12, considered and passed House.

June 15, considered and passed Senate, amended, in lieu of S. 1520.

July 21, House agreed to conference report.

July 22, Senate agreed to conference report.

Public Law 95-89
95th Congress

An Act

To amend the Small Business Act and the Small Business Investment Act of 1958 to increase loan authorization and surety bond guarantee authority; and to improve the disaster assistance, certificate of competency and Small Business set-aside programs, and for other purposes.

Aug. 4, 1977

[H.R. 692]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AUTHORIZATIONS AND LIMITATIONS

SEC. 101. (a) Section 4(c) (1) of the Small Business Act is amended by striking out “, including administrative expenses in connection with such functions” following “7(g) of this Act” and by striking out “, including administrative expenses in connection with such functions” following “Small Business Investment Act of 1958”.

Small Business
Act and Small
Business
Investment Act of
1958,
amendments.
15 USC 633.

(b) Section 4(c) (3) of such Act is amended by striking the last sentence.

(c) Section 4(c) (4) of such Act is repealed.

Repeals.
15 USC 636.

(d) Section 7(a) (8) of such Act is repealed.

(e) Section 7(g) (4) of such Act is repealed.

SEC. 102. Section 20 of the Small Business Act is amended to read as follows:

Appropriation
authorization.
15 USC 631 note.

“SEC. 20. (a) There are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act other than those for which appropriations are specifically authorized.

“(b) The following program levels are authorized for fiscal year 1978:

“(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make \$400,000,000 in direct loans, \$15,000,000 in immediate participation loans, and \$3,000,000,000 in deferred participation loans.

“(2) For the programs authorized by section 7(h) of this Act, the Administration is authorized to make \$30,000,000 in direct and immediate participation loans and \$20,000,000 in guaranteed loans.

“(3) For the programs authorized by section 7(i) of this Act, the Administration is authorized to make \$60,000,000 in direct and immediate participation loans and \$81,000,000 in guaranteed loans.

“(4) For the programs authorized by sections 501 and 502 of the Small Business Investment Act of 1958, the Administration is authorized to make \$45,000,000 in direct and immediate participation loans and \$41,000,000 in guaranteed loans.

15 USC 695,
696.

“(5) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make \$20,000,000 in direct purchase of debentures and preferred securities and to make \$180,000,000 in guarantees of debentures.

15 USC 681.

“(6) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed \$2,000,000,000.

15 USC 694a.

15 USC 636. “(7) For the programs authorized by sections 7(b)(3), 7(b)(4), 7(b)(5), 7(b)(6), 7(b)(7), 7(b)(8), 7(b)(9), and 7(g) of this Act, the Administration is authorized to enter into \$300,000,000 in loans, guarantees, and other obligations or commitments.

15 USC 694-1, 694-2. “(8) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed \$150,000,000.

“ (9) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, except for administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act.

15 USC 694c. “ (c) There are authorized to be appropriated to the Administration for fiscal year 1978, \$1,400,000,000 to carry out the programs referred to in subsection (b), paragraphs (1) through (9). Of such sum, \$47,100,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958, \$4,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958, and \$171,000,000 shall be available for salaries and expenses of the Administration, of which amount—

15 USC 637. “ (1) \$13,000,000 shall be available for procurement assistance, with priority given to developing a small business procurement source data bank and to employing additional procurement officers to increase the number and total value of set-asides, including those under section 8(a) of this Act;

“ (2) \$32,000,000 shall be available for management and technical assistance, with priority given to development of effective training programs and counseling services, development of small business development centers and development of an effective small business technology transfer program;

“ (3) \$6,000,000 shall be available for research and advocacy, with priority given to developing a small business economic data base, evaluating the required resources for a major small business economic research and analysis unit in the Administration, undertaking such economic research and analysis, representing the interests of small business within the Federal Government, and developing a small business ombudsman function to help solve small business problems that are caused by programs, regulations, or general activities of the Federal Government and of which no more than \$60,000 can be used for the payment of travel and transportation of persons for the national, regional, and Small Business Investment Companies advisory council meetings;

“ (4) \$4,000,000 shall be available for the office of minority small business; and

“ (5) \$3,900,000 shall be available for data management with priority given to more effective and efficient utilization of existing data management resources of the Administration.

Ante, p. 553. “ (d) The Administrator may transfer no more than 10 percent of program levels for salaries and expenses authorized in paragraphs (1) through (5) of section 20(c) of this Act: *Provided, however*, That no program level authorized in such paragraphs may be increased more than 20 percent by any such transfers.

“ (e) The following program levels are authorized for fiscal year 1979:

“(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make \$440,000,000 in direct loans, \$17,000,000 in immediate participation loans, and \$3,300,000,000 in deferred participation loans. 15 USC 636.

“(2) For the programs authorized by section 7(h) of this Act, the Administration is authorized to make \$33,000,000 in direct and immediate participation loans and \$22,000,000 in guaranteed loans.

“(3) For the programs authorized by section 7(i) of this Act, the Administration is authorized to make \$66,000,000 in direct and immediate participation loans and \$89,000,000 in guaranteed loans.

“(4) For the programs authorized by sections 501 and 502 of the Small Business Investment Act of 1958, the Administration is authorized to make \$49,000,000 in direct and immediate participation loans and \$45,000,000 in guaranteed loans. 15 USC 695, 696.

“(5) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make \$22,000,000 in direct purchase of debentures and preferred securities and to make \$198,000,000 in guarantees of debentures. 15 USC 681.

“(6) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed \$2,200,000,000. 15 USC 694a.

“(7) For the programs authorized by sections 7(b)(3), 7(b)(4), 7(b)(5), 7(b)(6), 7(b)(7), 7(b)(8), 7(b)(9), and 7(g) of this Act, the Administration is authorized to enter into \$330,000,000 in loans, guarantees, and other obligations or commitments.

“(8) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed \$300,000,000. 15 USC 694-1, 694-2.

“(9) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, except for administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act.

“(f) There are authorized to be appropriated to the Administration for fiscal year 1979, \$1,565,000,000 to carry out the programs referred to in subsection (e), paragraphs (1) through (9). Of such sum, \$52,100,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958, \$4,400,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958, and \$188,000,000 shall be available for salaries and expenses of the Administration, of which amount— 15 USC 694c. 15 USC 694.

“(1) \$14,300,000 shall be available for procurement assistance, with priority given to developing a small business procurement source data bank and to employing additional procurement officers to increase the number and total value of set-asides, including those under section 8(a) of this Act;

15 USC 637.

“(2) \$35,200,000 shall be available for management and technical assistance, with priority given to development of effective training programs and counseling services, development of small business development centers, and development of an effective small business technology transfer program;

“(3) \$6,600,000 shall be available for research and advocacy, with priority given to developing a small business economic data base, evaluating the required resources for a major small business economic research and analysis unit in the Administration, under-

taking such economic research and analysis, representing the interests of small business within the Federal Government, and developing a small business ombudsman function to help solve small business problems that are caused by programs, regulations, or general activities of the Federal Government and of which no more than \$66,000 can be used for the payment of travel and transportation of persons for the national, regional, and Small Business Investment Companies advisory council meetings;

“(4) \$4,400,000 shall be available for the office of minority small business; and

“(5) \$4,290,000 shall be available for data management with priority given to more effective and efficient utilization of existing data management resources of the Administration.

Ante, p. 553.

“(g) The Administrator may transfer no more than 10 percent of program levels for salaries and expenses authorized in paragraphs (1) through (5) of section 20(f) of this Act: *Provided, however*, That no program level authorized in such paragraphs may be increased more than 20 percent by any such transfers.”.

Lease guarantees.
15 USC 694.

SEC. 103. Section 403 of the Small Business Investment Act of 1958 is amended to read as follows:

“FUND

15 USC 692.

“SEC. 403. There is hereby created within the Treasury a separate fund for guarantees which shall be available to the Administrator without fiscal year limitations as a revolving fund for the purposes of section 401. All amounts received by the Administrator, including any moneys, property, or assets derived by him from his operations in connection with section 401, shall be deposited in the fund. All expenses, excluding administrative expenses, pursuant to operations of the Administrator under section 401 shall be paid from the fund.”.

15 USC 694-2.

SEC. 104. Section 405 of the Small Business Investment Act of 1958 is amended to read as follows:

“FUND

15 USC 694-1.

“SEC. 405. There is hereby created within the Treasury a separate fund for guarantees which shall be available to the Administrator without fiscal year limitations as a revolving fund for the purpose of section 404. All amounts received by the Administrator, including any moneys, property, or assets derived by him from his operations in connection with section 404 shall be deposited in the fund. All expenses and payments, excluding administrative expenses, pursuant to operations of the Administrator under section 404 shall be paid from the fund.”.

15 USC 694c.

SEC. 105. Section 412 of the Small Business Investment Act of 1958 is amended to read as follows:

“FUND

“SEC. 412. There is hereby created within the Treasury a separate fund for guarantees which shall be available to the Administrator without fiscal year limitation as a revolving fund for the purposes of this part. All amounts received by the Administrator, including any moneys, property, or assets derived by him from his operations in connection with this part, shall be deposited in the fund. All expenses and payments, excluding administrative expenses, pursuant to operations of the Administrator under this part shall be paid from

the fund. Moneys in the fund not needed for the payment of current operating expenses or for the payment of claims arising under this part may be invested in bonds or other obligations of, or bonds or other obligations guaranteed as to principal and interest by, the United States; except that moneys provided as capital for the fund shall not be so invested.”

SEC. 106. This title shall become effective on October 1, 1977.

Effective date.
15 USC 633 note.

TITLE II—MISCELLANEOUS CONFORMING AND TECHNICAL AMENDMENTS

SEC. 201. Section 4(c)(2) of the Small Business Act is amended by striking out “and 7(c)(2)” and by inserting in lieu thereof “7(c)(2), and 7(g)”.

15 USC 633.

SEC. 202. Sections 4(c)(5) and 4(c)(6) of the Small Business Act are redesignated as sections 4(c)(4) and 4(c)(5), respectively, and the new section 4(c)(4) is amended to read as follows:

“(4) The Administration shall submit to the Committees on Appropriations, Senate Select Committee on Small Business, and the Committee on Small Business of the House of Representatives, as soon as possible after the beginning of each calendar quarter, a full and complete report on the status of each of the funds established by paragraph (1). Business-type budgets for each of the funds established by paragraph (1) shall be prepared, transmitted to the Committees on Appropriations, the Senate Select Committee on Small Business, and the Committee on Small Business of the House of Representatives, and considered, and enacted in the manner prescribed by law (sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847-849)) for wholly owned Government corporations.”.

Report to
congressional
committees.

Budgets,
transmittal to
congressional
committees.

SEC. 203. Section 10(a) of the Small Business Act is amended by inserting “the Senate Select Committee on Small Business,” after the clause “the President of the Senate,”.

15 USC 639.

SEC. 204. Section 10(b) of the Small Business Act is amended by striking out “House Select Committee to Conduct a Study and Investigation of the Problems of Small Business” and by inserting in lieu thereof “Committee on Small Business of the House of Representatives”.

Reporting
requirements and
agency
cooperation.

SEC. 205. Section 10(c)(2) of the Small Business Act is amended by inserting “, the Senate Select Committee on Small Business” after the word “Congress”.

SEC. 206. Section 10(d) of the Small Business Act is amended by inserting “the Senate Select Committee on Small Business,” after the clause “the President of the Senate.”.

SEC. 207. Section 10(e) of the Small Business Act is amended by striking out “House Select Committee To Conduct a Study and Investigation of the Problems of Small Business” and by inserting in lieu thereof “Committee on Small Business of the House of Representatives”.

SEC. 208. Section 10(g) of the Small Business Act is amended by striking out “Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Banking and Currency of the House of Representatives” and inserting in lieu thereof “Senate Select Committee on Small Business and Committee on Small Business of the House of Representatives.”

SEC. 209. Section 5316 of title 5, United States Code, is amended by striking from paragraph (11) the figure “(3)” and by inserting the figure “(4)”.

15 USC 682. SEC. 210. Section 302(b) of the Small Business Investment Act of 1958 is amended by inserting the word “and” between the words “capital” and “surplus”.

SEC. 211. Section 10(a) of the Small Business Act (15 U.S.C. 639(a)) is amended by adding at the end thereof the following new sentence: “With respect to minority small business concerns, the report shall include the proportion of loans and other assistance under this Act provided to such concerns, the goals of the Administration for the next fiscal year with respect to such concerns, and recommendations for improving assistance to minority small business concerns under this Act.”.

TITLE III—AMENDMENTS TO SMALL BUSINESS ADMINISTRATION LOAN AUTHORITY

SEC. 301. Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended after “the acquisition of land;” by inserting “or to finance residential or commercial construction or rehabilitation for sale: *Provided, however,* That such loans shall not be used primarily for the acquisition of land;”.

15 USC 636. SEC. 302. Section 7(b)(5) of the Small Business Act is amended by inserting immediately after “any Federal law” the words “heretofore or hereafter enacted”.

Payment obligation, undertaking or suspension.
15 USC 634. SEC. 303. Section 5 of the Small Business Act is amended by adding at the end thereof the following new subsection:

“(e) (1) Subject to the requirements and conditions contained in this subsection, upon application by a small business concern which is the recipient of a loan made under this Act, the Administration may undertake the small business concern’s obligation to make the required payments under such loan or may suspend such obligation if the loan was a direct loan made by the Administration. While such payments are being made by the Administration pursuant to the undertaking of such obligation or while such obligation is suspended, no such payment with respect to the loan may be required from the small business concern.

“(2) The Administration may undertake or suspend for a period of not to exceed 5 years any small business concern’s obligation under this subsection only if—

“(A) without such undertaking or suspension of the obligation, the small business concern would, in the sole discretion of the Administration, become insolvent or remain insolvent;

“(B) with the undertaking or suspension of the obligation, the small business concern would, in the sole discretion of the Administration, become or remain a viable small business entity; and

“(C) the small business concern executes an agreement in writing satisfactory to the Administration as provided by paragraph (4).

Loan maturity, extension.
“(3) Notwithstanding the provisions of sections 7(a)(4)(C) and 7(i)(1) of this Act, the Administration may extend the maturity of any loan on which the Administration undertakes or suspends the obligation pursuant to this subsection for a corresponding period of time.

Repayment agreement.
“(4) (A) Prior to the undertaking or suspension by the Administra-

tion of any small business concern's obligation under this subsection, the Administration, consistent with the purposes sought to be achieved herein, shall require the small business concern to agree in writing to repay to it the aggregate amount of the payments which were required under the loan during the period for which such obligation was undertaken or suspended, either—

“(i) by periodic payments not less in amount or less frequently falling due than those which were due under the loan during such period, or

“(ii) pursuant to a repayment schedule agreed upon by the Administration and the small business concern, or

“(iii) by a combination of the payments described in clause (i) and clause (ii).

“(B) In addition to requiring the small business concern to execute the agreement described in subparagraph (A), the Administration shall, prior to the undertaking or suspension of the obligation, take such action, and require the small business concern to take such action as the Administration deems appropriate in the circumstances, including the provision of such security as the Administration deems necessary or appropriate to insure that the rights and interests of the lender (Small Business Administration or participant) will be safeguarded adequately during and after the period in which such obligation is so undertaken or suspended.

“(5) The term ‘required payments’ with respect to any loan means payments of principal and interest under the loan.”.

“Required
payments.”
15 USC 633.

SEC. 304. Section 4(c) of the Small Business Act is amended by inserting in paragraphs (1) (A) and (2) (A) thereof “5(e),” after the word “sections”.

TITLE IV—AMENDMENTS TO SMALL BUSINESS ADMINISTRATION DISASTER LOAN AUTHORITY

SEC. 401. Section 4(c) of the Small Business Act is amended as follows:

(1) by inserting in paragraph (1) (A) after the figure “7(b) (2),” the figure “7(b) (3),” and by striking from paragraph (1) (B) thereof the figure “7(b) (3),”; and

(2) by inserting in paragraph (2) (A) after the figure “7(b) (2),” the figure “7(b) (3),” and by striking from paragraph (2) (B) thereof the figure “7(b) (3),”.

SEC. 402. Section 7(b) (3) of the Small Business Act is amended by striking “federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government” and by inserting in lieu thereof “program or project constructed by or with funds provided in whole or in part by the Federal Government or by a program or project by a State or local government or public service entity, providing such government or public service entity has the authority to exercise the right of eminent domain on such program or project”.

15 USC 636.

SEC. 403. Section 7(b) (2) of the Small Business Act is amended by adding “or” after the semicolon at the end of section 7(b) (2) (B) and by adding the following:

“(C) a disaster, as determined by the Administrator of the Small Business Administration pursuant to the Disaster Relief Act of 1970; or

42 USC 4401
note.

Certification by
State Governor.

“(D) if no disaster declaration has been issued pursuant to subparagraph (A), (B), or (C), the Governor of a State in which a disaster has occurred may certify to the Small Business Administration that small business concerns (1) have suffered economic injury as a result of such disaster, and (2) are in need of financial assistance which is not available on reasonable terms in the disaster stricken area. Upon receipt of such certification, the Administration may then make such loans as would have been available under this paragraph if a disaster declaration had been issued.

Loans.

Interest rate.

“(E) Notwithstanding any other provision of law, the interest rate on the Administration’s share of any loan made under this paragraph in connection with a disaster occurring on or after July 1, 1976, and prior to October 1, 1978, shall be 3 percent on the amount of such loan not exceeding \$25,000.”

Economic
dislocation.
15 USC 636.

SEC. 404. Section 7(b) of the Small Business Act is amended by striking out “and” at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof “; and” and by inserting after paragraph (8) the following new paragraph:

Loans.

“(9) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary to assist, or refinance the existing indebtedness of, any small business concern located in an area of economic dislocation. The Governor of a State may certify to the Administration (A) that small business concerns within the State have suffered substantial economic injury as a result of an economic dislocation, and (B) that such concerns are in need of financial assistance which is not available on reasonable terms. For the purposes of this paragraph, economic dislocation includes extraordinary, severe, and temporary natural conditions or other economic dislocations as determined by the Administration. Such economic dislocations must be of such magnitude that without the benefit of loans provided hereunder a significant number of otherwise financially sound small businesses in the impacted regions or business sectors would either become insolvent or be unable to return quickly to their former level of operation. No loan made hereunder shall exceed \$100,000, nor shall the proceeds thereof be used to reduce the exposure of any other lender. The Administration shall permit deferral of payment of principal and interests for one year on loans made hereunder.”

Certification by
State Governor.

Deferral of
payment.

Disaster loans,
interest rate.

SEC. 405. Section 7(b) of the Small Business Act is amended by inserting at the end of the first undesignated paragraph the following: “Notwithstanding any other provision of law, the interest rate on the Administration’s share of any loan made pursuant to paragraph (1) of this subsection to repair or replace a primary residence and/or replace or repair damaged or destroyed personal property, less the amount of compensation by insurance or otherwise, with respect to a disaster occurring on or after July 1, 1976, and prior to October 1, 1978, shall be: 1 per centum on the amount of such loan not exceeding \$10,000, and 3 per centum on the amount of such loan over \$10,000 but not exceeding \$40,000. The interest rate on the Administration’s share of the first \$250,000 of all other loans made pursuant to paragraph (1) of this subsection, with respect to a disaster occurring on or after July 1, 1976, and prior to October 1, 1978, shall be 3 per centum. All

repayments of principal on the Administration's share of any loan made under the above provisions shall first be applied to reduce the principal sum of such loan which bears interest at the lower rates provided in this paragraph. The principal amount of any loan made pursuant to paragraph (1) in connection with a disaster which occurs on or after April 1, 1977, but prior to January 1, 1978, may be increased by such amount, but not more than \$2,000, as the Administration determines to be reasonable in light of the amount and nature of loss, damage, or injury sustained in order to finance the installation of insulation in the property which was lost, damaged, or injured, if the uninsured, damaged portion of the property is 10 per centum or more of the market value of the property at the time of the disaster. Not later than June 1, 1978, the Administration shall prepare and transmit to the Select Committee on Small Business of the Senate, the Committee on Small Business of the House of Representatives, and the Committees of the Senate and House of Representatives having jurisdiction over measures relating to energy conservation, a report on its activities under this paragraph, including therein an evaluation of the effect of such activities on encouraging the installation of insulation in property which is repaired or replaced after a disaster which is subject to this paragraph, and its recommendations with respect to the continuation, modification, or termination of such activities."

Principal,
increase.

Report,
transmittal to
congressional
committees.

SEC. 406. Section 324 of the Consolidated Farm and Rural Development Act is amended as follows:

7 USC 1964.

(a) by inserting "(a)" at the beginning thereof and by striking the proviso at the end thereof; and

(b) by inserting the following at the end thereof:

"(b) Notwithstanding the provisions of any other law, during any period in which the Small Business Administration is making loans under sections 7(b)(1) and 7(b)(2) of the Small Business Act to businesses at a rate of interest below the average annual interest rate on all interest-bearing obligations of the United States, loans made hereunder shall bear interest at a rate not to exceed such lower interest rates in amounts not to exceed \$250,000 to businesses and \$40,000 to homeowners.

Interest rate.

15 USC 636.

"(c) Any political subdivision of a State with a population of less than 10,000 which, if such subdivision had a population of 10,000 or more, would be eligible for a grant under the first title of the Community Emergency Drought Relief Act of 1977 shall be eligible for a grant under the Consolidated Farm and Rural Development Act during any period in which such Community Relief Act of 1977 is or has been in effect."

Grant eligibility.

42 USC 5184

note.

7 USC 1921 note.

TITLE V—PROCUREMENT ASSISTANCE

SEC. 501. Section 8(b) of the Small Business Act is amended by striking paragraph (7) and by inserting in lieu thereof the following:

Contracts.

15 USC 637.

"(7) (A) To certify to Government procurement officers, and officers engaged in the sale and disposal of Federal property, with respect to all elements of responsibility, including, but not limited to, capability, competency, capacity, credit, integrity, perseverance, and tenacity, of any small business concern or group of such concerns to receive and perform a specific Government contract. A Government procure-

Referral for final
disposition.

ment officer or an officer engaged in the sale and disposal of Federal property may not, for any reason specified in the preceding sentence, preclude any small business concern or group of such concerns from being awarded such contract without referring the matter for a final disposition to the Administration.

Ineligibility,
notification.

Review.

“(B) If a Government procurement officer finds that an otherwise qualified small business concern may be ineligible due to the provisions of section 35(a) of title 41, United States Code (the Walsh-Healey Public Contracts Act), he shall notify the Administration in writing of such finding. The Administration shall review such finding and shall either dismiss it and certify the small business concern to be an eligible Government contractor for a specific Government contract or if it concurs in the finding, forward the matter to the Secretary of Labor for final disposition, in which case the Administration may certify the small business concern only if the Secretary of Labor finds the small business concern not to be in violation.

“(C) In any case in which a small business concern or group of such concerns has been certified by the Administration pursuant to (A) or (B) to be a responsible or eligible Government contractor as to a specific Government contract, the officers of the Government having procurement or property disposal powers are directed to accept such certification as conclusive, and shall let such Government contract to such concern or group of concerns without requiring it to meet any other requirement of responsibility or eligibility.”.

Awards or
contracts,
determination.
15 USC 644.

SEC. 502. Section 15 of the Small Business Act is amended by inserting “(a)” immediately after “Sec. 15.” and by inserting the following at the end thereof:

“(b) With respect to any work to be performed the amount of which would exceed the maximum amount of any contract for which a surety may be guaranteed against loss under section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694(b)), the contracting procurement agency shall, to the extent practicable, place contracts so as to allow more than one small business concern to perform such work.

Report to
congressional
committees.

“(c) During fiscal year 1978, public and private organizations and individuals eligible for assistance under section 7(h) of this Act shall be eligible to participate in such contracts or any part thereof in an aggregate amount not to exceed \$100,000,000: *Provided, however,* That the Administration, not later than March 1, 1979, shall prepare and transmit to the Select Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives, a report on the impact of contracts awarded to such organizations and individuals on small business.

Contract awards,
priority.

“(d) For purposes of this section priority shall be given to the awarding of contracts and the placement of subcontracts to concerns which shall perform a substantial proportion of the production on those contracts and subcontracts within areas of concentrated unemployment or underemployment or within labor surplus areas. Notwithstanding any other provision of law, total labor surplus area set-asides pursuant to Defense Manpower Policy Number 4 (32A C.F.R. Chapter 1) or any successor policy shall be authorized if the Secretary or his designee specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards will be made at reasonable prices. As soon as practicable and to the extent possible, in determining labor surplus areas, consideration shall be given to those persons

who would be available for employment were suitable employment available. Until such definition reflects such number, the present criteria of such policy shall govern.

“(e) In carrying out labor surplus areas and small business set-aside programs, departments, agencies, and instrumentalities of the executive branch shall award contracts, and encourage the placement of subcontracts for procurement to the following in the manner and in the order stated:

“(1) Concerns which are located in labor surplus areas, and which are also small business concerns, on the basis of a total set-aside.

“(2) Concerns which are small business concerns on the basis of a total set-aside.

“(3) Concerns which are small business concerns, on the basis of a partial set-aside.

“(4) Concerns which are located in labor surplus areas on the basis of a total set-aside.

“(f) The provisions of subsections (d) and (e) shall cease to be effective subsequent to September 30, 1979, unless renewed prior to such date.”. Termination.

Approved August 4, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-1 (Comm. on Small Business) and No. 95-535 (Comm. of Conference).

SENATE REPORT No. 95-184 accompanying S. 1442 (Comm. on Small Business).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Feb. 9, considered and passed House.

May 19, considered and passed Senate, amended, in lieu of S. 1442.

July 26, House agreed to conference report.

July 27, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 32:

Aug. 4, Presidential statement.

Public Law 95-90
95th Congress

Joint Resolution

Aug. 4, 1977

[S.J. Res. 79]

Federal Home
Loan Bank
Board.
Vacancies.
Ante, p. 252.

Repeal; effective
date.

Effective date.
12 USC 1437
note.

To amend the Federal Home Loan Bank Act.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17(a) of the Federal Home Loan Bank Act, 12 U.S.C. 1437, as amended, is amended by adding the following immediately at the end thereof: "Upon the expiration of the term of office of a member of the Federal Home Loan Bank Board, such member shall continue to serve until a successor is appointed and has qualified, but not to exceed forty-five days."

SEC. 2. The last sentence of section 17(a) of the Federal Home Loan Bank Act is repealed, effective August 15, 1977.

SEC. 3. This resolution shall take effect on July 1, 1977.

Approved August 4, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

Aug. 1, considered and passed Senate and House.

Public Law 95-91
95th Congress

An Act

To establish a Department of Energy in the executive branch by the reorganization of energy functions within the Federal Government in order to secure effective management to assure a coordinated national energy policy, and for other purposes.

Aug. 4, 1977

[S. 826]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Department of Energy Organization Act”.

Department of
Energy
Organization Act.
42 USC 7101
note.

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DEFINITIONS

SEC. 2. (a) As used in this Act, unless otherwise provided or indicated by the context, the term the "Department" means the Department of Energy or any component thereof, including the Federal Energy Regulatory Commission. 42 USC 7101.

(b) As used in this Act (1) reference to "function" includes reference to any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; and (2) reference to "perform", when used in relation to functions, includes the undertaking, fulfillment, or execution of any duty or obligation; and the exercise of power, authority, rights, and privileges.

(c) As used in this Act, "Federal lease" means an agreement which, for any consideration, including but not limited to, bonuses, rents, or royalties conferred and covenants to be observed, authorizes a person to explore for, or develop, or produce (or to do any or all of these) oil and gas, coal, oil shale, tar sands, and geothermal resources on lands or interests in lands under Federal jurisdiction.

TITLE I—DECLARATION OF FINDINGS AND PURPOSES

FINDINGS

SEC. 101. The Congress of the United States finds that—

42 USC 7111.

(1) the United States faces an increasing shortage of nonrenewable energy resources;

(2) this energy shortage and our increasing dependence on foreign energy supplies present a serious threat to the national security of the United States and to the health, safety and welfare of its citizens;

(3) a strong national energy program is needed to meet the present and future energy needs of the Nation consistent with overall national economic, environmental and social goals;

(4) responsibility for energy policy, regulation, and research, development and demonstration is fragmented in many departments and agencies and thus does not allow for the comprehensive, centralized focus necessary for effective coordination of energy supply and conservation programs; and

(5) formulation and implementation of a national energy program require the integration of major Federal energy functions into a single department in the executive branch.

PURPOSES

SEC. 102. The Congress therefore declares that the establishment of a Department of Energy is in the public interest and will promote the general welfare by assuring coordinated and effective administration of Federal energy policy and programs. It is the purpose of this Act— 42 USC 7112.

(1) to establish a Department of Energy in the executive branch;

(2) to achieve, through the Department, effective management of energy functions of the Federal Government, including consultation with the heads of other Federal departments and agencies in order to encourage them to establish and observe policies consistent with a coordinated energy policy, and to promote maximum possible energy conservation measures in connection with the activities within their respective jurisdictions;

(3) to provide for a mechanism through which a coordinated national energy policy can be formulated and implemented to deal with the short-, mid- and long-term energy problems of the Nation; and to develop plans and programs for dealing with domestic energy production and import shortages;

(4) to create and implement a comprehensive energy conservation strategy that will receive the highest priority in the national energy program;

(5) to carry out the planning, coordination, support, and management of a balanced and comprehensive energy research and development program, including—

(A) assessing the requirements for energy research and development;

(B) developing priorities necessary to meet those requirements;

(C) undertaking programs for the optimal development of the various forms of energy production, and conservation; and

(D) disseminating information resulting from such programs, including disseminating information on the commercial feasibility and use of energy from fossil, nuclear, solar, geothermal, and other energy technologies;

(6) to place major emphasis on the development and commercial use of solar, geothermal, recycling and other technologies utilizing renewable energy resources;

(7) to continue and improve the effectiveness and objectivity of a central energy data collection and analysis program within the Department;

(8) to facilitate establishment of an effective strategy for distributing and allocating fuels in periods of short supply and to provide for the administration of a national energy supply reserve;

(9) to promote the interests of consumers through the provision of an adequate and reliable supply of energy at the lowest reasonable cost;

(10) to establish and implement through the Department, in coordination with the Secretaries of State, Treasury, and Defense, policies regarding international energy issues that have a direct impact on research, development, utilization, supply, and conservation of energy in the United States and to undertake activities involving the integration of domestic and foreign policy relating to energy, including provision of independent technical advice to the President on international negotiations involving energy resources, energy technologies, or nuclear weapons issues, except that the Secretary of State shall continue to exercise primary authority for the conduct of foreign policy relating to energy and nuclear nonproliferation, pursuant to policy guidelines established by the President;

(11) to provide for the cooperation of Federal, State, and local governments in the development and implementation of national energy policies and programs;

(12) to foster and assure competition among parties engaged in the supply of energy and fuels;

(13) to assure incorporation of national environmental protection goals in the formulation and implementation of energy programs, and to advance the goals of restoring, protecting, and enhancing environmental quality, and assuring public health and safety;

(14) to assure, to the maximum extent practicable, that the productive capacity of private enterprise shall be utilized in the development and achievement of the policies and purposes of this Act;

(15) to provide for, encourage, and assist public participation in the development and enforcement of national energy programs;

(16) to create an awareness of, and responsibility for, the fuel and energy needs of rural and urban residents as such needs pertain to home heating and cooling, transportation, agricultural production, electrical generation, conservation, and research and development;

(17) to foster insofar as possible the continued good health of the Nation's small business firms, public utility districts, municipal utilities, and private cooperatives involved in energy production, transportation, research, development, demonstration, marketing, and merchandising; and

(18) to provide for the administration of the functions of the Energy Research and Development Administration related to nuclear weapons and national security which are transferred to the Department by this Act.

RELATIONSHIP WITH STATES

SEC. 103. Whenever any proposed action by the Department conflicts with the energy plan of any State, the Department shall give due consideration to the needs of such State, and where practicable, shall attempt to resolve such conflict through consultations with appropriate State officials. Nothing in this Act shall affect the authority of any State over matters exclusively within its jurisdiction.

42 USC 7113.

TITLE II—ESTABLISHMENT OF THE DEPARTMENT

ESTABLISHMENT

SEC. 201. There is hereby established at the seat of government an executive department to be known as the Department of Energy. There shall be at the head of the Department a Secretary of Energy (hereinafter in this Act referred to as the "Secretary"), who shall be appointed by the President by and with the advice and consent of the Senate. The Department shall be administered, in accordance with the provisions of this Act, under the supervision and direction of the Secretary.

42 USC 7131.

Secretary of Energy, appointment and confirmation.

PRINCIPAL OFFICERS

SEC. 202. (a) There shall be in the Department a Deputy Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code. The Deputy Secretary shall act for and exercise the functions of the Secretary during the absence or disability of the Secretary or in the event the office of Secretary becomes vacant. The Secretary shall designate the order in which the Under Secretary and other officials shall act for and perform the functions of the Secretary during the absence or disability of both the Secretary and Deputy Secretary or in the event of vacancies in both of those offices.

Deputy Secretary, appointment and confirmation.
42 USC 7132.

(b) There shall be in the Department an Under Secretary and a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such

Under Secretary and General Counsel, appointment and confirmation.

functions and duties as the Secretary shall prescribe. The Under Secretary shall bear primary responsibility for energy conservation. The Under Secretary shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

ASSISTANT SECRETARIES

Appointment and
confirmation.
42 USC 7133.

Functions.

SEC. 203. (a) There shall be in the Department eight Assistant Secretaries, each of whom shall be appointed by the President, by and with the advice and consent of the Senate; who shall be compensated at the rate provided for at level IV of the Executive Schedule under section 5315 of title 5, United States Code; and who shall perform, in accordance with applicable law, such of the functions transferred or delegated to, or vested in, the Secretary as he shall prescribe in accordance with the provisions of this Act. The functions which the Secretary shall assign to the Assistant Secretaries include, but are not limited to, the following:

(1) Energy resource applications, including functions dealing with management of all forms of energy production and utilization, including fuel supply, electric power supply, enriched uranium production, energy technology programs, and the management of energy resource leasing procedures on Federal lands.

(2) Energy research and development functions, including the responsibility for policy and management of research and development for all aspects of—

- (A) solar energy resources;
- (B) geothermal energy resources;
- (C) recycling energy resources;
- (D) the fuel cycle for fossil energy resources; and
- (E) the fuel cycle for nuclear energy resources.

(3) Environmental responsibilities and functions, including advising the Secretary with respect to the conformance of the Department's activities to environmental protection laws and principles, and conducting a comprehensive program of research and development on the environmental effects of energy technologies and programs.

(4) International programs and international policy functions, including those functions which assist in carrying out the international energy purposes described in section 102 of this Act.

(5) National security functions, including those transferred to the Department from the Energy Research and Development Administration which relate to management and implementation of the nuclear weapons program and other national security functions involving nuclear weapons research and development.

(6) Intergovernmental policies and relations, including responsibilities for assuring that national energy policies are reflective of and responsible to the needs of State and local governments, and for assuring that other components of the Department coordinate their activities with State and local governments, where appropriate, and develop intergovernmental communications with State and local governments.

(7) Competition and consumer affairs, including responsibilities for the promotion of competition in the energy industry and for the protection of the consuming public in the energy policymaking

processes, and assisting the Secretary in the formulation and analysis of policies, rules, and regulations relating to competition and consumer affairs.

(8) Nuclear waste management responsibilities, including—

(A) the establishment of control over existing Government facilities for the treatment and storage of nuclear wastes, including all containers, casks, buildings, vehicles, equipment, and all other materials associated with such facilities;

(B) the establishment of control over all existing nuclear waste in the possession or control of the Government and all commercial nuclear waste presently stored on other than the site of a licensed nuclear power electric generating facility, except that nothing in this paragraph shall alter or effect title to such waste;

(C) the establishment of temporary and permanent facilities for storage, management, and ultimate disposal of nuclear wastes;

(D) the establishment of facilities for the treatment of nuclear wastes;

(E) the establishment of programs for the treatment, management, storage, and disposal of nuclear wastes;

(F) the establishment of fees or user charges for nuclear waste treatment or storage facilities, including fees to be charged Government agencies; and

(G) the promulgation of such rules and regulations to implement the authority described in this paragraph, except that nothing in this section shall be construed as granting to the Department regulatory functions presently within the Nuclear Regulatory Commission, or any additional functions than those already conferred by law.

(9) Energy conservation functions, including the development of comprehensive energy conservation strategies for the Nation, the planning and implementation of major research and demonstration programs for the development of technologies and processes to reduce total energy consumption, the administration of voluntary and mandatory energy conservation programs, and the dissemination to the public of all available information on energy conservation programs and measures.

(10) Power marketing functions, including responsibility for marketing and transmission of Federal power.

(11) Public and congressional relations functions, including responsibilities for providing a continuing liaison between the Department and the Congress and the Department and the public.

(b) At the time the name of any individual is submitted for confirmation to the position of Assistant Secretary, the President shall identify with particularity the function or functions described in subsection (a) (or any portion thereof) for which such individual will be responsible.

Responsibilities,
identification.

FEDERAL ENERGY REGULATORY COMMISSION

SEC. 204. There shall be within the Department, a Federal Energy Regulatory Commission established by title IV of this Act (hereinafter referred to in this Act as the "Commission"). The Chairman shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. The other members of the Commission shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of

42 USC 7134.

title 5, United States Code. The Chairman and members of the Commission shall be individuals who, by demonstrated ability, background, training, or experience, are specially qualified to assess fairly the needs and concerns of all interests affected by Federal energy policy.

ENERGY INFORMATION ADMINISTRATION

Establishment.
42 USC 7135.

SEC. 205. (a) (1) There shall be within the Department an Energy Information Administration to be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for in level IV of the Executive Schedule under section 5315 of title 5, United States Code. The Administrator shall be a person who, by reason of professional background and experience, is specially qualified to manage an energy information system.

(2) The Administrator shall be responsible for carrying out a central, comprehensive, and unified energy data and information program which will collect, evaluate, assemble, analyze, and disseminate data and information which is relevant to energy resource reserves, energy production, demand, and technology, and related economic and statistical information, or which is relevant to the adequacy of energy resources to meet demands in the near and longer term future for the Nation's economic and social needs.

15 USC 796.

(b) The Secretary shall delegate to the Administrator (which delegation may be on a nonexclusive basis as the Secretary may determine may be necessary to assure the faithful execution of his authorities and responsibilities under law) the functions vested in him by law relating to gathering, analysis, and dissemination of energy information (as defined in section 11 of the Energy Supply and Environmental Coordination Act of 1974) and the Administrator may act in the name of the Secretary for the purpose of obtaining enforcement of such delegated functions.

15 USC 790,
790b, 790h.

(c) In addition to, and not in limitation of the functions delegated to the Administrator pursuant to other subsections of this section, there shall be vested in the Administrator, and he shall perform, the functions assigned to the Director of the Office of Energy Information and Analysis under part B of the Federal Energy Administration Act of 1974, and the provisions of sections 53(d) and 59 thereof shall be applicable to the Administrator in the performance of any function under this Act.

(d) The Administrator shall not be required to obtain the approval of any other officer or employee of the Department in connection with the collection or analysis of any information; nor shall the Administrator be required, prior to publication, to obtain the approval of any other officer or employee of the United States with respect to the substance of any statistical or forecasting technical reports which he has prepared in accordance with law.

Annual audit.

15 USC 790d.

(e) The Energy Information Administration shall be subject to an annual professional audit review of performance as described in section 55 of part B of the Federal Energy Administration Act of 1974.

(f) The Administrator shall, upon request, promptly provide any information or analysis in his possession pursuant to this section to any other administration, commission, or office within the Department which such administration, commission, or office determines relates to the functions of such administration, commission, or office.

(g) Information collected by the Energy Information Administration shall be cataloged and, upon request, any such information shall be promptly made available to the public in a form and manner easily adaptable for public use, except that this subsection shall not require disclosure of matters exempted from mandatory disclosure by section 552(b) of title 5, United States Code. The provisions of section 11(d) of the Energy Supply and Environmental Coordination Act of 1974, and section 17 of the Federal Nonnuclear Energy Research and Development Act of 1974, shall continue to apply to any information obtained by the Administrator under such provisions.

Information,
availability to
public.

15 USC 796.

42 USC 5916.

(h) (1) (A) In addition to the acquisition, collection, analysis, and dissemination of energy information pursuant to this section, the Administrator shall identify and designate "major energy-producing companies" which alone or with their affiliates are involved in one or more lines of commerce in the energy industry so that the energy information collected from such major energy-producing companies shall provide a statistically accurate profile of each line of commerce in the energy industry in the United States.

Major energy-
producing
companies,
identification and
designation.

(B) In fulfilling the requirements of this subsection the Administrator shall—

(i) utilize, to the maximum extent practicable, consistent with the faithful execution of his responsibilities under this Act, reliable statistical sampling techniques; and

(ii) otherwise give priority to the minimization of the reporting of energy information by small business.

(2) The Administrator shall develop and make effective for use during the second full calendar year following the date of enactment of this Act the format for an energy-producing company financial report. Such report shall be designed to allow comparison on a uniform and standardized basis among energy-producing companies and shall permit for the energy-related activities of such companies—

Financial report,
format.

(A) an evaluation of company revenues, profits, cash flow, and investments in total, for the energy-related lines of commerce in which such company is engaged and for all significant energy-related functions within such company;

(B) an analysis of the competitive structure of sectors and functional groupings within the energy industry;

(C) the segregation of energy information, including financial information, describing company operations by energy source and geographic area;

(D) the determination of costs associated with exploration, development, production, processing, transportation, and marketing and other significant energy-related functions within such company; and

(E) such other analyses or evaluations as the Administrator finds is necessary to achieve the purposes of this Act.

(3) The Administrator shall consult with the Chairman of the Securities and Exchange Commission with respect to the development of accounting practices required by the Energy Policy and Conservation Act to be followed by persons engaged in whole or in part in the production of crude oil and natural gas and shall endeavor to assure that the energy-producing company financial report described in paragraph (2) of this subsection, to the extent practicable and consistent with the purposes and provisions of this Act, is consistent with such accounting practices where applicable.

Accounting
practices,
development.
42 USC 6201
note.

(4) The Administrator shall require each major energy-producing company to file with the Administrator an energy-producing company

Annual financial
report.

financial report on at least an annual basis and may request energy information described in such report on a quarterly basis if he determines that such quarterly report of information will substantially assist in achieving the purposes of this Act.

(5) A summary of information gathered pursuant to this section, accompanied by such analysis as the Administrator deems appropriate, shall be included in the annual report of the Department required by subsection (a) of section 657 of this Act.

Definitions.

(6) As used in this subsection the term—

(A) “energy-producing company” means a person engaged in:

(i) ownership or control of mineral fuel resources or non-mineral energy resources;

(ii) exploration for, or development of, mineral fuel resources;

(iii) extraction of mineral fuel or nonmineral energy resources;

(iv) refining, milling, or otherwise processing mineral fuels or nonmineral energy resources;

(v) storage of mineral fuels or nonmineral energy resources;

(vi) the generation, transmission, or storage of electrical energy;

(vii) transportation of mineral fuels or nonmineral energy resources by any means whatever; or

(viii) wholesale or retail distribution of mineral fuels, non-mineral energy resources or electrical energy;

(B) “energy industry” means all energy-producing companies;

and

(C) “person” has the meaning as set forth in section 11 of the Energy Supply and Environmental Coordination Act of 1974.

(7) The provisions of section 1905 of title 18, United States Code, shall apply in accordance with its terms to any information obtained by the Administration pursuant to this subsection.

ECONOMIC REGULATORY ADMINISTRATION

42 USC 7136.

SEC. 206. (a) There shall be within the Department an Economic Regulatory Administration to be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at a rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code. Such Administrator shall be, by demonstrated ability, background, training, or experience, an individual who is specially qualified to assess fairly the needs and concerns of all interests affected by Federal energy policy. The Secretary shall by rule provide for a separation of regulatory and enforcement functions assigned to, or vested in, the Administration.

(b) Consistent with the provisions of title IV, the Secretary shall utilize the Economic Regulatory Administration to administer such functions as he may consider appropriate.

COMPTROLLER GENERAL FUNCTIONS

42 USC 7137.

SEC. 207. The functions of the Comptroller General of the United States under section 12 of the Federal Energy Administration Act of 1974 shall apply with respect to the monitoring and evaluation of all functions and activities of the Department under this Act or any other Act administered by the Department.

15 USC 771.

OFFICE OF INSPECTOR GENERAL

SEC. 208. (a) (1) There shall be within the Department an Office of Inspector General to be headed by an Inspector General, who shall be appointed by the President, by and with the advice and consent of the Senate, solely on the basis of integrity and demonstrated ability and without regard to political affiliation. The Inspector General shall report to, and be under the general supervision of, the Secretary or, to the extent such authority is delegated, the Deputy Secretary, but shall not be under the control of, or subject to supervision by, any other officer of the Department.

Inspector General,
appointment and
confirmation.
42 USC 7138.

(2) There shall also be in the Office a Deputy Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate, solely on the basis of integrity and demonstrated ability and without regard to political affiliation. The Deputy shall assist the Inspector General in the administration of the Office and shall, during the absence or temporary incapacity of the Inspector General, or during a vacancy in that Office, act as Inspector General.

Deputy Inspector General,
appointment and
confirmation.

(3) The Inspector General or the Deputy may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

(4) The Inspector General shall, in accordance with applicable laws and regulations governing the civil service, appoint an Assistant Inspector General for Audits and an Assistant Inspector General for Investigations.

Assistant
Inspector General
for Audits and
Assistant
Inspector General
for
Investigations,
appointment.

(5) The Inspector General shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and the Deputy Inspector General shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) It shall be the duty and responsibility of the Inspector General—

Duties and
responsibilities.

(1) to supervise, coordinate, and provide policy direction for auditing and investigative activities relating to the promotion of economy and efficiency in the administration of, or the prevention or detection of fraud or abuse in, programs and operations of the Department;

(2) to recommend policies for, and to conduct, supervise, or coordinate other activities carried out or financed by the Department for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations;

(3) to recommend policies for, and to conduct, supervise, or coordinate relationships between the Department and other Federal agencies, State and local governmental agencies, and non-governmental entities with respect to (A) all matters relating to the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by the Department, and (B) the identification and prosecution of participants in such fraud or abuse;

(4) to keep the Secretary and the Congress fully and currently informed, by means of the reports required by subsection (c) and otherwise, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by the Department, to recommend corrective action concerning such problems, abuses, and deficiencies, and to report on the progress made in implementing such corrective action; and

Report to
Secretary of
Energy, Federal
Energy
Regulatory
Commission, and
Congress.

(5) to seek to coordinate his actions with the actions of the Comptroller General of the United States with a view to avoiding duplication.

(c) The Inspector General shall, not later than March 31 of each year, submit a report to the Secretary, to the Federal Energy Regulatory Commission, and to the Congress summarizing the activities of the Office during the preceding calendar year. Such report shall include, but need not be limited to—

(1) an identification and description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Department disclosed by such activities;

(2) a description of recommendations for corrective action made by the Office with respect to significant problems, abuses, or deficiencies identified and described under paragraph (1);

(3) an evaluation of progress made in implementing recommendations described in the report or, where appropriate, in previous reports; and

(4) a summary of matters referred to prosecutive authorities and the extent to which prosecutions and convictions have resulted.

(d) The Inspector General shall report immediately to the Secretary, to the Federal Energy Regulatory Commission as appropriate, and, within thirty days thereafter, to the appropriate committees or subcommittees of the Congress whenever the Office becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the Department. The Deputy and Assistant Inspectors General shall have particular responsibility for informing the Inspector General of such problems, abuses, or deficiencies.

Additional
investigations
and reports.

(e) The Inspector General (1) may make such additional investigations and reports relating to the administration of the programs and operations of the Department as are, in the judgment of the Inspector General, necessary or desirable, and (2) shall provide such additional information or documents as may be requested by either House of Congress or, with respect to matters within their jurisdiction, by any committee or subcommittee thereof.

(f) Notwithstanding any other provision of law, the reports, information, or documents required by or under this section shall be transmitted to the Secretary, to the Federal Energy Regulatory Commission, if applicable, and to the Congress, or committees or subcommittees thereof, by the Inspector General without further clearance or approval. The Inspector General shall, insofar as feasible, provide copies of the reports required under subsection (c) to the Secretary and the Commission, if applicable, sufficiently in advance of the due date for the submission to Congress to provide a reasonable opportunity for comments of the Secretary and the Commission to be appended to the reports when submitted to Congress.

Additional
authority.

(g) In addition to the authority otherwise provided by this section, the Inspector General, in carrying out the provisions of this section, is authorized—

(1) to have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material available to the Department which relate to programs and operations with respect to which the Inspector General has responsibilities under this section;

(2) to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this section, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court; and

(3) to have direct and prompt access to the Secretary when necessary for any purpose pertaining to the performance of functions under this section.

OFFICE OF ENERGY RESEARCH

SEC. 209. (a) There shall be within the Department an Office of Energy Research to be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

Director.
42 USC 7139.

(b) It shall be the duty and responsibility of the Director—

Duties and
responsibilities.

(1) to advise the Secretary with respect to the physical research program transferred to the Department from the Energy Research and Development Administration;

(2) to monitor the Department's energy research and development programs in order to advise the Secretary with respect to any undesirable duplication or gaps in such programs;

(3) to advise the Secretary with respect to the well-being and management of the multipurpose laboratories under the jurisdiction of the Department, excluding laboratories that constitute part of the nuclear weapons complex;

(4) to advise the Secretary with respect to education and training activities required for effective short- and long-term basic and applied research activities of the Department;

(5) to advise the Secretary with respect to grants and other forms of financial assistance required for effective short- and long-term basic and applied research activities of the Department; and

(6) to carry out such additional duties assigned to the Office by the Secretary relating to basic and applied research, including but not limited to supervision or support of research activities carried out by any of the Assistant Secretaries designated by section 203 of this Act, as the Secretary considers advantageous.

LEASING LIAISON COMMITTEE

SEC. 210. There is hereby established a Leasing Liaison Committee which shall be composed of an equal number of members appointed by the Secretary and the Secretary of the Interior.

Establishment.
42 USC 7140.

TITLE III—TRANSFERS OF FUNCTIONS

GENERAL TRANSFERS

SEC. 301. (a) Except as otherwise provided in this Act, there are hereby transferred to, and vested in, the Secretary all of the functions vested by law in the Administrator of the Federal Energy Administration or the Federal Energy Administration, the Administrator of the Energy Research and Development Administration or the Energy Research and Development Administration; and the functions vested

Federal Energy
Administration
and Energy
Research and
Development
Administration.
42 USC 7151.

Federal Power
Commission.

by law in the officers and components of either such Administration.

(b) Except as provided in title IV, there are hereby transferred to, and vested in, the Secretary the function of the Federal Power Commission, or of the members, officers, or components thereof. The Secretary may exercise any power described in section 402(a)(2) to the extent the Secretary determines such power to be necessary to the exercise of any function within his jurisdiction pursuant to the preceding sentence.

TRANSFERS FROM THE DEPARTMENT OF THE INTERIOR

42 USC 7152.

SEC. 302. (a) (1) There are hereby transferred to, and vested in, the Secretary all functions of the Secretary of the Interior under section 5 of the Flood Control Act of 1944, and all other functions of the Secretary of the Interior, and officers and components of the Department of the Interior, with respect to—

16 USC 825s.

(A) the Southeastern Power Administration;

(B) the Southwestern Power Administration;

(C) the Alaska Power Administration;

(D) the Bonneville Power Administration including but not limited to the authority contained in the Bonneville Project Act of 1937 and the Federal Columbia River Transmission System Act;

16 USC 832.

16 USC 838 note.

(E) the power marketing functions of the Bureau of Reclamation, including the construction, operation, and maintenance of transmission lines and attendant facilities; and

(F) the transmission and disposition of the electric power and energy generated at Falcon Dam and Amistad Dam, international storage reservoir projects on the Rio Grande, pursuant to the Act of June 18, 1954, as amended by the Act of December 23, 1963.

68 Stat. 255.

77 Stat. 475.

(2) The Southeastern Power Administration, the Southwestern Power Administration, the Bonneville Power Administration, and the Alaska Power Administration shall be preserved as separate and distinct organizational entities within the Department. Each such entity shall be headed by an Administrator appointed by the Secretary. The functions transferred to the Secretary in paragraphs (1)(A), (1)(B), (1)(C), and (1)(D) shall be exercised by the Secretary, acting by and through such Administrators. Each such Administrator shall maintain his principal office at a place located in the region served by his respective Federal power marketing entity.

(3) The functions transferred in paragraphs (1)(E) and (1)(F) of this subsection shall be exercised by the Secretary, acting by and through a separate and distinct Administration within the Department which shall be headed by an Administrator appointed by the Secretary. The Administrator shall establish and shall maintain such regional offices as necessary to facilitate the performance of such functions. Neither the transfer of functions effected by paragraph (1)(E) of this subsection nor any changes in cost allocation or project evaluation standards shall be deemed to authorize the reallocation of joint costs of multipurpose facilities theretofore allocated unless and to the extent that such change is hereafter approved by Congress.

Federal leases.

43 USC 1331

note.

30 USC 181 note,

351 note.

(b) There are hereby transferred to, and vested in, the Secretary the functions of the Secretary of the Interior to promulgate regulations under the Outer Continental Shelf Lands Act, the Mineral Lands Leasing Act, the Mineral Leasing Act for Acquired Lands, the Geo-

thermal Steam Act of 1970, and the Energy Policy and Conservation Act, which relate to the—

30 USC 1001
note.
42 USC 6201
note.

(1) fostering of competition for Federal leases (including, but not limited to, prohibition on bidding for development rights by certain types of joint ventures);

(2) implementation of alternative bidding systems authorized for the award of Federal leases;

(3) establishment of diligence requirements for operations conducted on Federal leases (including, but not limited to, procedures relating to the granting or ordering by the Secretary of the Interior of suspension of operations or production as they relate to such requirements);

(4) setting rates of production for Federal leases; and

(5) specifying the procedures, terms, and conditions for the acquisition and disposition of Federal royalty interests taken in kind.

(c) There are hereby transferred to, and vested in, the Secretary all the functions of the Secretary of the Interior to establish production rates for all Federal leases.

Production rates.

(d) There are hereby transferred to, and vested in, the Secretary those functions of the Secretary of the Interior, the Department of the Interior, and officers and components of that Department under the Act of May 15, 1910, and other authorities, exercised by the Bureau of Mines, but limited to—

30 USC 1, 3, 5-7.

(1) fuel supply and demand analysis and data gathering;

(2) research and development relating to increased efficiency of production technology of solid fuel minerals, other than research relating to mine health and safety and research relating to the environmental and leasing consequences of solid fuel mining (which shall remain in the Department of the Interior); and

(3) coal preparation and analysis.

ADMINISTRATION OF LEASING TRANSFERS

SEC. 303. (a) The Secretary of the Interior shall retain any authorities not transferred under section 302(b) of this Act and shall be solely responsible for the issuance and supervision of Federal leases and the enforcement of all regulations applicable to the leasing of mineral resources, including but not limited to lease terms and conditions and production rates. No regulation promulgated by the Secretary shall restrict or limit any authority retained by the Secretary of the Interior under section 302(b) of this Act with respect to the issuance or supervision of Federal leases. Nothing in section 302(b) of this Act shall be construed to affect Indian lands and resources or to transfer any functions of the Secretary of the Interior concerning such lands and resources.

Federal leasing of
mineral
resources.
42 USC 7153.

Indian lands.

(b) In exercising the authority under section 302(b) of this Act to promulgate regulations, the Secretary shall consult with the Secretary of the Interior during the preparation of such regulations and shall afford the Secretary of the Interior not less than thirty days, prior to the date on which the Department first publishes or otherwise prescribes regulations, to comment on the content and effect of such regulations.

Regulations.

(c) (1) The Secretary of the Interior shall afford the Secretary not less than thirty days, prior to the date on which the Department of the Interior first publishes or otherwise prescribes the terms and conditions on which a Federal lease will be issued, to disapprove any term

Terms and
conditions,
disapproval.

or condition of such lease which relates to any matter with respect to which the Secretary has authority to promulgate regulations under section 302(b) of this Act. No such term or condition may be included in such a lease if it is disapproved by the Secretary. The Secretary and the Secretary of the Interior may by agreement define circumstances under which a reasonable opportunity of less than thirty days may be afforded the Secretary to disapprove such terms and conditions.

(2) Where the Secretary disapproves any lease, term, or condition under paragraph (1) of this subsection he shall furnish the Secretary of the Interior with a detailed written statement of the reasons for his disapproval, and of the alternatives which would be acceptable to him.

(d) The Department of the Interior shall be the lead agency for the purpose of preparation of an environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969 for any action with respect to the Federal leases taken under the authority of this section, unless the action involves only matters within the exclusive authority of the Secretary.

Environmental
impact
statements.
42 USC 4332.

TRANSFERS FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 304. (a) There is hereby transferred to, and vested in, the Secretary the functions vested in the Secretary of Housing and Urban Development pursuant to section 304 of the Energy Conservation Standards for New Buildings Act of 1976, to develop and promulgate energy conservation standards for new buildings. The Secretary of Housing and Urban Development shall provide the Secretary with any necessary technical assistance in the development of such standards. All other responsibilities, pursuant to title III of the Energy Conservation and Production Act, shall remain with the Secretary of Housing and Urban Development, except that the Secretary shall be kept fully and currently informed of the implementation of the promulgated standards.

(b) There is hereby transferred to, and vested in, the Secretary the functions vested in the Secretary of Housing and Urban Development pursuant to section 509 of the Housing and Urban Development Act of 1970.

Energy
conservation
standards for new
buildings.
42 USC 7154.
42 USC 6833.

42 USC 6831
note.

12 USC 1701z-8.

COORDINATION WITH THE DEPARTMENT OF TRANSPORTATION

SEC. 305. Section 502 of the Motor Vehicle Information and Cost Savings Act is amended at the end thereof by adding the following new subsections:

“(g) The Secretary shall consult with the Secretary of Energy in carrying out his responsibilities under this section. The Secretary shall, before issuing any notice proposing under subsection (a), (b), (d), or (f) of this section, to establish, reduce, or amend an average fuel economy standard, provide the Secretary of Energy with a period of not less than ten days from the receipt of the notice during which the Secretary of Energy may, upon concluding that the proposed standard would adversely affect the conservation goals set by the Secretary of Energy, provide written comments to the Secretary concerning the impacts of the proposed standard upon those goals. To the extent that the Secretary does not revise the proposed standard to take into account any comments by the Secretary of Energy regarding the level of the proposed standard, the Secretary shall include the unaccommodated comments in the notice.

15 USC 2002.

Average fuel
economy
standards.

“(h) The Secretary shall, before taking action on any final standard under this section or any modification of or exemption from such standard, notify the Secretary of Energy and provide such Secretary with a reasonable period of time to comment thereon.”. Notice.

TRANSFER FROM THE INTERSTATE COMMERCE COMMISSION

SEC. 306. Except as provided in title IV, there are hereby transferred to the Secretary such functions set forth in the Interstate Commerce Act and vested by law in the Interstate Commerce Commission or the Chairman and members thereof as relate to transportation of oil by pipeline. Transportation of oil by pipeline.
42 USC 7155.
49 USC prec. 1 note.

TRANSFERS FROM THE DEPARTMENT OF THE NAVY

SEC. 307. There are hereby transferred to and vested in the Secretary all functions vested by chapter 641 of title 10, United States Code, in the Secretary of the Navy as they relate to the administration of and jurisdiction over— Certain naval petroleum reserves.
42 USC 7156.
10 USC 7421.

(1) Naval Petroleum Reserve Numbered 1 (Elk Hills), located in Kern County, California, established by Executive order of the President, dated September 2, 1912;

(2) Naval Petroleum Reserve Numbered 2 (Buena Vista), located in Kern County, California, established by Executive order of the President, dated December 13, 1912;

(3) Naval Petroleum Reserve Numbered 3 (Teapot Dome), located in Wyoming, established by Executive order of the President, dated April 30, 1915;

(4) Oil Shale Reserve Numbered 1, located in Colorado, established by Executive order of the President, dated December 6, 1916, as amended by Executive order dated June 12, 1919;

(5) Oil Shale Reserve Numbered 2, located in Utah, established by Executive order of the President, dated December 6, 1916; and

(6) Oil Shale Reserve Numbered 3, located in Colorado, established by Executive order of the President, dated September 27, 1924.

In the administration of any of the functions transferred to, and vested in, the Secretary by this section the Secretary shall take into consideration the requirements of national security.

TRANSFERS FROM THE DEPARTMENT OF COMMERCE

SEC. 308. There are hereby transferred to, and vested in, the Secretary all functions of the Secretary of Commerce, the Department of Commerce, and officers and components of that Department, as relate to or are utilized by the Office of Energy Programs, but limited to industrial energy conservation programs. Industrial energy conservation programs.
42 USC 7157.

NAVAL REACTOR AND MILITARY APPLICATION PROGRAMS

SEC. 309. (a) The Division of Naval Reactors established pursuant to section 25 of the Atomic Energy Act of 1954, and responsible for research, design, development, health, and safety matters pertaining to naval nuclear propulsion plants and assigned civilian power reactor programs is transferred to the Department under the Assistant Secretary to whom the Secretary has assigned the function listed in section 203(a)(2)(E), and such organizational unit shall be deemed to be an organizational unit established by this Act. 42 USC 7158.
42 USC 2035.

- 42 USC 2035. (b) The Division of Military Application, established by section 25 of the Atomic Energy Act of 1954, and the functions of the Energy Research and Development Administration with respect to the Military Liaison Committee, established by section 27 of the Atomic Energy Act of 1954, are transferred to the Department under the Assistant Secretary to whom the Secretary has assigned those functions listed in section 203(a) (5), and such organizational units shall be deemed to be organizational units established by this Act.
- 42 USC 2037.

TRANSFER TO THE DEPARTMENT OF TRANSPORTATION

- Van pooling and carpooling.
42 USC 7159. SEC. 310. Notwithstanding section 301(a), there are hereby transferred to, and vested in, the Secretary of Transportation all of the functions vested in the Administrator of the Federal Energy Administration by section 381(b) (1) (B) of the Energy Policy and Conservation Act.
- 42 USC 6361.

TITLE IV—FEDERAL ENERGY REGULATORY COMMISSION

APPOINTMENT AND ADMINISTRATION

- Establishment.
42 USC 7171. SEC. 401. (a) There is hereby established within the Department an independent regulatory commission to be known as the Federal Energy Regulatory Commission.

Members. (b) The Commission shall be composed of five members appointed by the President, by and with the advice and consent of the Senate. One of the members shall be designated by the President as Chairman. Members shall hold office for a term of four years and may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office. The terms of the members first taking office shall expire (as designated by the President at the time of appointment), two at the end of two years, two at the end of three years, and one at the end of four years. Not more than three members of the Commission shall be members of the same political party. Any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A Commissioner may continue to serve after the expiration of his term until his successor has taken office, except that he may not so continue to serve for more than one year after the date on which his term would otherwise expire under this subsection. Members of the Commission shall not engage in any other business, vocation, or employment while serving on the Commission.

(c) The Chairman shall be responsible on behalf of the Commission for the executive and administrative operation of the Commission, including functions of the Commission with respect to (1) the appointment and employment of hearing examiners in accordance with the provisions of title 5, United States Code, (2) the selection, appointment, and fixing of the compensation of such personnel as he deems necessary, including an executive director, (3) the supervision of personnel employed by or assigned to the Commission, except that each member of the Commission may select and supervise personnel for his personal staff, (4) the distribution of business among personnel and among administrative units of the Commission, and (5) the procurement of services of experts and consultants in accordance with section 3109 of title 5, United States Code. The Secretary shall provide to the Commission such support and facilities as the Commission determines it needs to carry out its functions.

(d) In the performance of their functions, the members, employees, or other personnel of the Commission shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent of any other part of the Department.

(e) The Chairman of the Commission may designate any other member of the Commission as Acting Chairman to act in the place and stead of the Chairman during his absence. The Chairman (or the Acting Chairman in the absence of the Chairman) shall preside at all sessions of the Commission and a quorum for the transaction of business shall consist of at least three members present. Each member of the Commission, including the Chairman, shall have one vote. Actions of the Commission shall be determined by a majority vote of the members present. The Commission shall have an official seal which shall be judicially noticed.

Acting Chairman,
designation.
Quorum.

(f) The Commission is authorized to establish such procedural and administrative rules as are necessary to the exercise of its functions. Until changed by the Commission, any procedural and administrative rules applicable to particular functions over which the Commission has jurisdiction shall continue in effect with respect to such particular functions.

Seal.

Rules.

(g) In carrying out any of its functions, the Commission shall have the powers authorized by the law under which such function is exercised to hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate. The Commission may, by one or more of its members or by such agents as it may designate, conduct any hearing or other inquiry necessary or appropriate to its functions, except that nothing in this subsection shall be deemed to supersede the provisions of section 556 of title 5, United States Code relating to hearing examiners.

Hearings.

(h) The principal office of the Commission shall be in or near the District of Columbia, where its general sessions shall be held, but the Commission may sit anywhere in the United States.

(i) For the purpose of section 552b of title 5, United States Code, the Commission shall be deemed to be an agency. Except as provided in section 518 of title 28, United States Code, relating to litigation before the Supreme Court, attorneys designated by the Chairman of the Commission may appear for, and represent the Commission in, any civil action brought in connection with any function carried out by the Commission pursuant to this Act or as otherwise authorized by law.

(j) In each annual authorization and appropriation request under this Act, the Secretary shall identify the portion thereof intended for the support of the Commission and include a statement by the Commission (1) showing the amount requested by the Commission in its budgetary presentation to the Secretary and the Office of Management and Budget and (2) an assessment of the budgetary needs of the Commission. Whenever the Commission submits to the Secretary, the President, or the Office of Management and Budget, any legislative recommendation or testimony, or comments on legislation, prepared for submission to Congress, the Commission shall concurrently transmit a copy thereof to the appropriate committees of Congress.

Appropriation
authorization.

Legislative
recommendations,
copies to
congressional
committees.

JURISDICTION OF THE COMMISSION

SEC. 402. (a) (1) There are hereby transferred to, and vested in, the Commission the following functions of the Federal Power Commission or of any member of the Commission or any officer or component of the Commission:

Transfer of
functions.
42 USC 7172.

(A) the investigation, issuance, transfer, renewal, revocation, and enforcement of licenses and permits for the construction, operation, and maintenance of dams, water conduits, reservoirs, powerhouses, transmission lines, or other works for the development and improvement of navigation and for the development and utilization of power across, along, from, or in navigable waters under part I of the Federal Power Act;

(B) the establishment, review, and enforcement of rates and charges for the transmission or sale of electric energy, including determinations on construction work in progress, under part II of the Federal Power Act, and the interconnection, under section 202(b), of such Act, of facilities for the generation, transmission, and sale of electric energy (other than emergency interconnection);

(C) the establishment, review, and enforcement of rates and charges for the transportation and sale of natural gas by a producer or gatherer or by a natural gas pipeline or natural gas company under sections 1, 4, 5, and 6 of the Natural Gas Act;

(D) the issuance of a certificate of public convenience and necessity, including abandonment of facilities or services, and the establishment of physical connections under section 7 of the Natural Gas Act;

(E) the establishment, review, and enforcement of curtailments, other than the establishment and review of priorities for such curtailments, under the Natural Gas Act; and

(F) the regulation of mergers and securities acquisition under the Federal Power Act and Natural Gas Act.

(2) The Commission may exercise any power under the following sections to the extent the Commission determines such power to be necessary to the exercise of any function within the jurisdiction of the Commission:

(A) sections 4, 301, 302, 306 through 309, and 312 through 316 of the Federal Power Act; and

(B) sections 8, 9, 13 through 17, 20, and 21 of the Natural Gas Act.

(b) There are hereby transferred to, and vested in, the Commission all functions and authority of the Interstate Commerce Commission or any officer or component of such Commission where the regulatory function establishes rates or charges for the transportation of oil by pipeline or establishes the valuation of any such pipeline.

(c)(1) Pursuant to the procedures specified in section 404 and except as provided in paragraph (2), the Commission shall have jurisdiction to consider any proposal by the Secretary to amend the regulation required to be issued under section 4(a) of the Emergency Petroleum Allocation Act of 1973 which is required by section 8 or 12 of such Act to be transmitted by the President to, and reviewed by, each House of Congress, under section 551 of the Energy Policy and Conservation Act.

(2) In the event that the President determines that an emergency situation of overriding national importance exists and requires the expeditious promulgation of a rule described in paragraph (1), the President may direct the Secretary to assume sole jurisdiction over the promulgation of such rule, and such rule shall be transmitted by the President to, and reviewed by, each House of Congress under section 8 or 12 of the Emergency Petroleum Allocation Act of 1973, and section 551 of the Energy Policy and Conservation Act.

(d) The Commission shall have jurisdiction to hear and determine any other matter arising under any other function of the Secretary—

Hearing.

(1) involving any agency determination required by law to be made on the record after an opportunity for an agency hearing; or

(2) involving any other agency determination which the Secretary determines shall be made on the record after an opportunity for an agency hearing.

except that nothing in this subsection shall require that functions under sections 105 and 106 of the Energy Policy and Conservation Act shall be within the jurisdiction of the Commission unless the Secretary assigns such a function to the Commission.

42 USC 6213, 6214.

(e) In addition to the other provisions of this section, the Commission shall have jurisdiction over any other matter which the Secretary may assign to the Commission after public notice, or which are required to be referred to the Commission pursuant to section 404 of this Act.

Notice.

(f) No function described in this section which regulates the exports or imports of natural gas or electricity shall be within the jurisdiction of the Commission unless the Secretary assigns such a function to the Commission.

Limitation.

(g) The decision of the Commission involving any function within its jurisdiction, other than action by it on a matter referred to it pursuant to section 404, shall be final agency action within the meaning of section 704 of title 5, United States Code, and shall not be subject to further review by the Secretary or any officer or employee of the Department.

Review, limitation.

(h) The Commission is authorized to prescribe rules, regulations, and statements of policy of general applicability with respect to any function under the jurisdiction of the Commission pursuant to section 402.

Rules, regulations, and statements of policy.

INITIATION OF RULEMAKING PROCEEDINGS BEFORE COMMISSION

SEC. 403. (a) The Secretary and the Commission are authorized to propose rules, regulations, and statements of policy of general applicability with respect to any function within the jurisdiction of the Commission under section 402 of this Act.

42 USC 7173.

(b) The Commission shall have exclusive jurisdiction with respect to any proposal made under subsection (a), and shall consider and take final action on any proposal made by the Secretary under such subsection in an expeditious manner in accordance with such reasonable time limits as may be set by the Secretary for the completion of action by the Commission on any such proposal.

(c) Any function described in section 402 of this Act which relates to the establishment of rates and charges under the Federal Power Act or the Natural Gas Act, may be conducted by rulemaking procedures. Except as provided in subsection (d), the procedures in such a rulemaking proceeding shall assure full consideration of the issues and an opportunity for interested persons to present their views.

16 USC 791a.
15 USC 717w.

(d) With respect to any rule or regulation promulgated by the Commission to establish rates and charges for the first sale of natural gas by a producer or gatherer to a natural gas pipeline under the Natural Gas Act, the Commission may afford any interested person a reasonable opportunity to submit written questions with respect to disputed issues of fact to other interested persons participating in the rulemaking proceedings. The Commission may establish a reasonable time for both the submission of questions and responses thereto.

Written questions and responses.

REFERRAL OF OTHER RULEMAKING PROCEEDINGS TO COMMISSION

42 USC 7174.

Public comment.

SEC. 404. (a) Except as provided in section 403, whenever the Secretary proposes to prescribe rules, regulations, and statements of policy of general applicability in the exercise of any function which is transferred to the Secretary under section 301 or 306 of this Act, he shall notify the Commission of the proposed action. If the Commission, in its discretion, determines within such period as the Secretary may prescribe, that the proposed action may significantly affect any function within the jurisdiction of the Commission pursuant to section 402(a) (1), (b), and (c) (1), the Secretary shall immediately refer the matter to the Commission, which shall provide an opportunity for public comment.

(b) Following such opportunity for public comment the Commission, after consultation with the Secretary, shall either—

(1) concur in adoption of the rule or statement as proposed by the Secretary;

(2) concur in adoption of the rule or statement only with such changes as it may recommend; or

(3) recommend that the rule or statement not be adopted.

Recommendations,
publication.

The Commission shall promptly publish its recommendations, adopted under this subsection, along with an explanation of the reason for its actions and an analysis of the major comments, criticisms, and alternatives offered during the comment period.

(c) Following publication of the Commission's recommendations the Secretary shall have the option of—

(1) issuing a final rule or statement in the form initially proposed by the Secretary if the Commission has concurred in such rule pursuant to subsection (b) (1);

(2) issuing a final rule or statement in amended form so that the rule conforms in all respects with the changes proposed by the Commission if the Commission has concurred in such rule or statement pursuant to subsection (b) (2); or

(3) ordering that the rule shall not be issued.

The action taken by the Secretary pursuant to this subsection shall constitute a final agency action for purposes of section 704 of title 5, United States Code.

RIGHT OF SECRETARY TO INTERVENE IN COMMISSION PROCEEDINGS

42 USC 7175.

SEC. 405. The Secretary may as a matter of right intervene or otherwise participate in any proceeding before the Commission. The Secretary shall comply with rules of procedure of general applicability governing the timing of intervention or participation in such proceeding or activity and, upon intervening or participating therein, shall comply with rules of procedure of general applicability governing the conduct thereof. The intervention or participation of the Secretary in any proceeding or activity shall not affect the obligation of the Commission to assure procedure fairness to all participants.

REORGANIZATION

42 USC 7176.
5 USC 901 *et seq.*

SEC. 406. For the purposes of chapter 9 of title 5, United States Code, the Commission shall be deemed to be an independent regulatory agency.

ACCESS TO INFORMATION

SEC. 407. (a) The Secretary, each officer of the Department, and each Federal agency shall provide to the Commission, upon request, such existing information in the possession of the Department or other Federal agency as the Commission determines is necessary to carry out its responsibilities under this Act. 42 USC 7177.

(b) The Secretary, in formulating the information to be requested in the reports or investigations under section 304 and section 311 of the Federal Power Act and section 10 and section 11 of the Natural Gas Act, shall include in such reports and investigations such specific information as requested by the Federal Energy Regulatory Commission and copies of all reports, information, results of investigations and data under said sections shall be furnished by the Secretary to the Federal Energy Regulatory Commission. 16 USC 825c, 825j, 15 USC 717i, 717j.

TITLE V—ADMINISTRATIVE PROCEDURES AND JUDICIAL REVIEW

PROCEDURES

SEC. 501. (a) (1) Subject to the other requirements of this title, the provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply in accordance with its terms to any rule or regulation, or any order having the applicability and effect of a rule (as defined in section 551(4) of title 5, United States Code), issued pursuant to authority vested by law in, or transferred or delegated to, the Secretary, or required by this Act or any other Act to be carried out by any other officer, employee, or component of the Department, other than the Commission, including any such rule, regulation, or order of a State, or local government agency or officer thereof, issued pursuant to authority delegated by the Secretary in accordance with this title. If any provision of any Act, the functions of which are transferred, vested, or delegated pursuant to this Act, provides administrative procedure requirements in addition to the requirements provided in this title, such additional requirements shall also apply to actions under that provision. 42 USC 7191, 5 USC 551.

(2) Notwithstanding paragraph (1), this title shall apply to the Commission to the same extent this title applies to the Secretary in the exercise of any of the Commission's functions under section 402 (c) (1) or which the Secretary has assigned under section 402 (e).

(b) (1) In addition to the requirements of subsection (a) of this section, notice of any proposed rule, regulation, or order described in subsection (a) shall be given by publication of such proposed rule, regulation, or order in the Federal Register. Such publication shall be accompanied by a statement of the research, analysis, and other available information in support of, the need for, and the probable effect of, any such proposed rule, regulation, or order. Other effective means of publicity shall be utilized as may be reasonably calculated to notify concerned or affected persons of the nature and probable effect of any such proposed rule, regulation, or order. In each case, a minimum of thirty days following such publication shall be provided for an opportunity to comment prior to promulgation of any such rule, regulation, or order. Publication in Federal Register. Statement. Minimum comment period.

(2) Public notice of all rules, regulations, or orders described in subsection (a) which are promulgated by officers of a State or local government agency pursuant to a delegation under this Act shall be Notice.

Rulemaking
procedure,
certain
exceptions,
prohibition.

provided by publication of such proposed rules, regulations, or orders in at least two newspapers of statewide circulation. If such publication is not practicable, notice of any such rule, regulation, or order shall be given by such other means as the officer promulgating such rule, regulation, or order determines will reasonably assure wide public notice.

(3) For the purposes of this title, the exception from the requirements of section 553 of title 5, United States Code, provided by subsection (a) (2) of such section with respect to public property, loans, grants, or contracts shall not be available.

Oral
presentations.

(c) (1) If the Secretary determines, on his own initiative or in response to any showing made pursuant to paragraph (2) (with respect to a proposed rule, regulation, or order described in subsection (a)) that no substantial issue of fact or law exists and that such rule, regulation, or order is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses, such proposed rule, regulation, or order may be promulgated in accordance with section 553 of title 5, United States Code. If the Secretary determines that a substantial issue of fact or law exists or that such rule, regulation, or order is likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses, an opportunity for oral presentation of views, data, and arguments shall be provided.

(2) Any person, who would be adversely affected by the implementation of any proposed rule, regulation, or order who desires an opportunity for oral presentation of views, data, and arguments, may submit material supporting the existence of such substantial issues or such impact.

Transcript.

(3) A transcript shall be kept of any oral presentation with respect to a rule, regulation, or order described in subsection (a).

Explanation.

(d) Following the notice and comment period, including any oral presentation required by this subsection, the Secretary may promulgate a rule if the rule is accompanied by an explanation responding to the major comments, criticisms, and alternatives offered during the comment period.

Waiver.

(e) The requirements of subsections (b), (c), and (d) of this section may be waived where strict compliance is found by the Secretary to be likely to cause serious harm or injury to the public health, safety, or welfare, and such finding is set out in detail in such rule, regulation, or order. In the event the requirements of this section are waived, the requirements shall be satisfied within a reasonable period of time subsequent to the promulgation of such rule, regulation, or order.

Hearing.

(f) (1) With respect to any rule, regulation, or order described in subsection (a), the effects of which, except for indirect effects of an inconsequential nature, are confined to—

(A) a single unit of local government or the residents thereof;

(B) a single geographic area within a State or the residents thereof; or

(C) a single State or the residents thereof;

the Secretary shall, in any case where appropriate, afford an opportunity for a hearing or the oral presentation of views, and provide procedures for the holding of such hearing or oral presentation within the boundaries of the unit of local government, geographic area, or State described in paragraphs (A) through (C) of this paragraph as the case may be.

(2) For the purposes of this subsection—

(A) the term “unit of local government” means a county, municipality, town, township, village, or other unit of general government below the State level; and

(B) the term “geographic area within a State” means a special purpose district or other region recognized for governmental purposes within such State which is not a unit of local government.

(3) Nothing in this subsection shall be construed as requiring a hearing or an oral presentation of views where none is required by this section or other provision of law.

(g) Where authorized by any law vested, transferred, or delegated pursuant to this Act, the Secretary may, by rule, prescribe procedures for State or local government agencies authorized by the Secretary to carry out such functions as may be permitted under applicable law. Such procedures shall apply to such agencies in lieu of this section, and shall require that prior to taking any action, such agencies shall take steps reasonably calculated to provide notice to persons who may be affected by the action, and shall afford an opportunity for presentation of views (including oral presentation of views where practicable) within a reasonable time before taking the action.

Definitions.

Notice.

JUDICIAL REVIEW

SEC. 502. (a) Judicial review of agency action taken under any law the functions of which are vested by law in, or transferred or delegated to the Secretary, the Commission or any officer, employee, or component of the Department shall, notwithstanding such vesting, transfer, or delegation, be made in the manner specified in or for such law.

42 USC 7192.

(b) Notwithstanding the amount in controversy, the district courts of the United States shall have exclusive original jurisdiction of all other cases or controversies arising exclusively under this Act, or under rules, regulations, or orders issued exclusively thereunder, other than any actions taken to implement or enforce any rule, regulation, or order by any officer of a State or local government agency under this Act, except that nothing in this section affects the power of any court of competent jurisdiction to consider, hear, and determine in any proceeding before it any issue raised by way of defense (other than a defense based on the unconstitutionality of this Act or the validity of action taken by any agency under this Act). If in any such proceeding an issue by way of defense is raised based on the unconstitutionality of this Act or the validity of agency action under this Act, the case shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of chapter 89 of title 28, United States Code. Cases or controversies arising under any rule, regulation, or order of any officer of a State or local government agency may be heard in either (A) any appropriate State court, or (B) without regard to the amount in controversy, the district courts of the United States.

Jurisdiction.

Removal.

28 USC 1441.

(c) Subject to the provisions of section 401(i) of this Act, and notwithstanding any other law, the litigation of the Department shall be subject to the supervision of the Attorney General pursuant to chapter 31 of title 28, United States Code. The Attorney General may authorize any attorney of the Department to conduct any civil litigation of the Department in any Federal court except the Supreme Court.

Litigation,
supervision by
Attorney
General.
28 USC 501 *et*
seq.

REMEDIAL ORDERS

Violations. 42 USC 7193.	SEC. 503. (a) If upon investigation the Secretary or his authorized representative believes that a person has violated any regulation, rule, or order described in section 501(a) promulgated pursuant to the Emergency Petroleum Allocation Act of 1973, he may issue a remedial order to the person. Each remedial order shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of such rule, regulation, or order alleged to have been violated. For purposes of this section "person" includes any individual, association, company, corporation, partnership, or other entity however organized.
15 USC 751 note.	
"Person."	
Final order, appeal, prohibition.	(b) If within thirty days after the receipt of the remedial order issued by the Secretary, the person fails to notify the Secretary that he intends to contest the remedial order, the remedial order shall become effective and shall be deemed a final order of the Secretary and not subject to review by any court or agency.
Contestation, notice.	(c) If within thirty days after the receipt of the remedial order issued by the Secretary, the person notifies the Secretary that he intends to contest a remedial order issued under subsection (a) of this section, the Secretary shall immediately advise the Commission of such notification. Upon such notice, the Commission shall stay the effect of the remedial order, unless the Commission finds the public interest requires immediate compliance with such remedial order. The Commission shall, upon request, afford an opportunity for a hearing, including, at a minimum, the submission of briefs, oral or documentary evidence, and oral arguments. To the extent that the Commission in its discretion determines that such is required for a full and true disclosure of the facts, the Commission shall afford the right of cross examination. The Commission shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's remedial order, or directing other appropriate relief, and such order shall, for the purpose of judicial review, constitute a final agency action, except that enforcement and other judicial review of such action shall be the responsibility of the Secretary.
Stay.	(d) The Secretary may set reasonable time limits for the Commission to complete action on a proceeding referred to it pursuant to this section.
Hearing.	
Cross examination.	(e) Nothing in this section shall be construed to affect any procedural action taken by the Secretary prior to or incident to initial issuance of a remedial order which is the subject of the hearing provided in this section, but such procedures shall be reviewable in the hearing.
Final order. Enforcement and review.	(f) The provisions of this section shall be applicable only with respect to proceedings initiated by a notice of probable violation issued after the effective date of this Act.
Time limits.	
Savings provision.	

REQUESTS FOR ADJUSTMENTS

42 USC 7194.	SEC. 504. (a) The Secretary or any officer designated by him shall provide for the making of such adjustments to any rule, regulation or order described in section 501(a) issued under the Federal Energy Administration Act, the Emergency Petroleum Allocation Act of 1973, the Energy Supply and Environmental Coordination Act of 1974, or the Energy Policy and Conservation Act, consistent with the other purposes of the relevant Act, as may be necessary to prevent special hardship, inequity, or unfair distribution of burdens, and shall by
15 USC 761 note.	
15 USC 791 note.	
42 USC 6201 note.	

rule, establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or rescission of, exception to, or exemption from, such rule, regulation or order. The Secretary or any such officer shall additionally insure that each decision on any application or petition requesting an adjustment shall specify the standards of hardship, inequity, or unfair distribution of burden by which any disposition was made, and the specific application of such standards to the facts contained in any such application or petition.

(b) (1) If any person is aggrieved or adversely affected by a denial of a request for adjustment under subsection (a) such person may request a review of such denial by the Commission and may obtain judicial review in accordance with this title when such a denial becomes final.

Denial, judicial review.

(2) The Commission shall, by rule, establish appropriate procedures, including a hearing when requested, for review of a denial. Action by the Commission under this section shall be considered final agency action within the meaning of section 704 of title 5, United States Code, and shall not be subject to further review by the Secretary or any officer or employee of the Department. Litigation involving judicial review of such action shall be the responsibility of the Secretary.

Hearing.

REVIEW AND EFFECT

SEC. 505. Within one year after the effective date of this Act, the Secretary shall submit a report to Congress concerning the actions taken to implement section 501. The report shall include a discussion of the adequacy of such section from the standpoint of the Department and the public, including a summary of any comments obtained by the Secretary from the public about such section and implementing regulations, and such recommendations as the Secretary deems appropriate concerning the procedures required by such section.

Report to Congress.
42 USC 7195.
Contents.

TITLE VI—ADMINISTRATIVE PROVISIONS

PART A—CONFLICT OF INTEREST PROVISIONS

DEFINITIONS

SEC. 601. (a) For the purposes of this title, the following officers or employees of the Department are supervisory employees:

Supervisory employees.

(1) an individual holding a position in the Department at GS-16, GS-17, or GS-18 of the General Schedule or at level I, II, III, IV, or V of the Executive Schedule, or who is in a position at a comparable or higher level on any other Federal pay scale, or who holds a position pursuant to subsection (b) or (d) of section 621, or who is an expert or consultant employed pursuant to section 3109 of title 5, United States Code, for more than ninety days in any calendar year and receives compensation at an annual rate equal to or in excess of the minimum rate prescribed for individuals at GS-16 of the General Schedule;

42 USC 7211.
5 USC 5332 note.
5 USC
5312-5316.

(2) the Director or Deputy Director of any State, regional, district, local, or other field office maintained pursuant to section 650 of this Act;

(3) an employee or officer who has primary responsibility for the award, review, modification, or termination of any grant,

contract, award, or fund transfer within the authority of the Secretary; and

(4) any other employee or officer who, in the judgment of the Secretary, exercises sufficient decisionmaking or regulatory authority so that the provisions of this title should apply to such individual.

“Energy concern.”

(b) For purposes of this title the term “energy concern” includes—

(1) any person significantly engaged in the business of developing, extracting, producing, refining, transporting by pipeline, converting into synthetic fuel, distributing, or selling minerals for use as an energy source, or in the generation or transmission of energy from such minerals or from wastes or renewable resources;

(2) any person holding an interest in property from which coal, natural gas, crude oil, nuclear material or a renewable resource is commercially produced or obtained;

(3) any person significantly engaged in the business of producing, generating, transmitting, distributing, or selling electric power;

(4) any person significantly engaged in development, production, processing, sale, or distribution of nuclear materials, facilities, or technology;

(5) any person—

(A) significantly engaged in the business of conducting research, development, or demonstration related to an activity described in paragraph (1), (2), (3), or (4); or

(B) significantly engaged in conducting such research, development, or demonstration with financial assistance under any Act the functions of which are vested in or delegated or transferred to the Secretary or the Department.

List of energy concerns, publication.

(c) (1) The Secretary shall prepare and periodically publish a list of persons which the Secretary has determined to be energy concerns as defined by subsection (b). The absence of any particular energy concern from such list shall not exempt any officer or employee from the requirements of sections 602 through 606 of this Act.

(2) At the request of any officer or employee of the Department the Secretary shall determine whether any person is an energy concern as defined by subsection (b).

Energy concerns, knowledge of interest or positions.

(d) For the purposes of sections 602(a), 603(a), 605(a), and 606 an individual shall be deemed to have known of or knowingly committed a described act or to have known of or knowingly held a described interest, status, or position if the employee knew or should have known of such act, interest, status, or position. For the purposes of section 602(a) an officer or employee shall be deemed to have known of or knowingly held an interest in an energy concern if such interest is sold or otherwise transferred to his spouse or dependent while such officer or employee is, or within six months prior to the date on which such officer or employee becomes, an officer or employee of the Department. The placing of an interest under a trust by an individual shall not satisfy the requirement of section 602 or waive the requirements of section 603 as to such interest unless none of the interests placed under such trust by such individual consists of known financial interests in any energy concern.

DIVESTITURE OF ENERGY HOLDINGS BY SUPERVISORY OFFICIALS

42 USC 7212.

SEC. 602. (a) No supervisory employee shall knowingly receive compensation from, or hold any official relation with, any energy con-

cern, or own stocks or bonds of any energy concern, or have any pecuniary interest therein.

(b) Personnel transferred to the Department pursuant to section 701 of this Act shall have six months to comply with the provisions of subsection (a) with respect to prohibited property holdings. Any person transferred pursuant to section 701 of this Act shall notify the Secretary or his designee of all known circumstances which would be violative of the restrictions set forth in subsection (a) not later than thirty days after the date of such transfer, as determined by the United States Civil Service Commission.

Transferred
personnel,
compliance.
Notice.

(c) Where exceptional hardship would result, or where the interest is a pension, insurance or other similarly vested interest, the Secretary is authorized to waive the requirements of this section for such period as he may prescribe with respect to any supervisory employee covered. Such waiver shall:

Waiver.

- (1) be published in the Federal Register;
- (2) contain a finding by the Secretary that exceptional hardship would result or that there is such a vested interest; and
- (3) state the period of the waiver and indicate the actions taken to minimize or eliminate the conflict of interest during such period.

Publication in
Federal Register.

(d) Any supervisory employee who continues to receive income from any energy concern, or continues to own property directly or indirectly in any such concern shall disclose such income or ownership pursuant to section 603.

DISCLOSURE OF ENERGY ASSETS

SEC. 603. (a) Each individual who at any time during the calendar year serves as an officer or employee of the Department shall disclose to the Secretary—

Report.
42 USC 7213.

- (1) the amount of income and the identity of the source of income knowingly received by such individual, his spouse, or dependent from any energy concern, and
- (2) the identity and value of interest knowingly held in any such concern

during such calendar year. Such report shall be filed not later than thirty days after commencing service in the Department and on May 15 following each such calendar year. Each report under this subsection shall be in such form and manner as the Secretary shall, by rule, prescribe.

(b) The Secretary shall—

- (1) act, within ninety days after the effective date of this Act, by rule to establish the methods by which the requirement to file written statements specified in subsection (a) will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements, for the recording by the reviewing official of any action taken to eliminate any potential conflict, and for the signing of such statement by the reviewing official; and
- (2) include, as part of the report made pursuant to section 657, a report with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

(c) In the rules prescribed in subsection (b), the Secretary shall identify specific positions, or classes thereof, within the Department which are of a nonregulatory or nonpolicymaking nature at or below GS-12 of the General Schedule and shall exempt such positions and

Exempt
positions.

5 USC 5332 note.

the individuals occupying those positions from the requirements of this section.

(d) Each individual required to file a report under this section who during any calendar year ceases to be an officer or employee of the Department shall file a report covering that portion of such year beginning on January 1 and ending on the date on which he ceases to be such an officer or employee, and such report shall be filed with the Secretary not later than thirty days after such date.

Extension. (e) The Secretary may grant one or more reasonable extensions of time for filing any such report under this section but the total of such extensions shall not exceed ninety days.

REPORT ON PRIOR EMPLOYMENT

42 USC 7214. SEC. 604. (a) Within sixty days of becoming a supervisory employee of the department, each supervisory employee shall file with the Secretary, in such form and manner as the Secretary shall prescribe, a report identifying any energy concern which paid the reporting individual compensation in excess of \$2,500 in any of the previous five calendar years. The individual shall include in the report—

(1) the name and address of each source of such compensation;
(2) the period during which the reporting individual was receiving such compensation from each such source;

(3) the title of each position or relationship the reporting individual held with each compensating source; and

(4) a brief description of the duties performed or services rendered by the reporting individual in each such position.

Exceptions. (b) Subsection (a) shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, recognized by law, between such individual and any person; nor shall it require an individual to report any information with respect to any person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

POSTEMPLOYMENT PROHIBITIONS AND REPORTING REQUIREMENTS

42 USC 7215. SEC. 605. (a) (1) Except as provided in paragraph (2) or (3), no supervisory employee shall, within one year after his employment with the Department has ceased, knowingly—

(A) make any appearance or attendance before, or

(B) make any written or oral communication to, and with the intent to influence the action of;

the Department if such appearance or communication relates to any particular matter which is pending before the Department.

Exceptions. (2) Paragraph (1) shall not apply to any appearance, attendance, or communication made, during any part of such year that such individual is employed by, and is on behalf of, the United States; nor shall it apply to an appearance or communication by the former supervisory employee where such appearance or communication is made in response to a subpoena, or concerns any matter of an exclusively personal and individual nature such as pension benefits.

National interest exception. (3) Paragraph (1) shall not prohibit a former supervisory employee with outstanding scientific or technological qualifications from making any appearance, attendance, or written or oral communica-
Publication in Federal Register.

tion in connection with a particular matter in a scientific or technological field if the Secretary or the Commission, as the case may be, makes a certification in writing, published in the Federal Register, that the national interest would be served by such action or appearance by such former supervisory employee.

(b) (1) Each former supervisory employee of the Department shall file with the Secretary, in such form and manner as the Secretary shall prescribe, not later than May 15 of the first and second calendar years following the first full year in which such person ceased to be an officer or employee of the Department, a report describing any employment with any energy concern during the period to which such report relates, including any employment as a consultant, agent, attorney, or otherwise, except that the requirements of this subsection shall not apply to any former supervisory employee who, at the time such employment with the Department ceases, has any contract, promise, or other agreement with respect to future employment with any energy concern, if (A) the former supervisory employee describes such agreement in any report filed within thirty days after the individual ceases to be an employee of the Department, and (B) the former supervisory employee amends the report by May 15 of either of the next two years during which he has accepted employment with another energy concern.

Report.

(2) Each report filed pursuant to paragraph (1) of this subsection shall contain the name and address of the person filing the report, the name and address of the energy concern with which he holds or will hold employment during any portion of the period covered by the report, a brief description of his responsibilities for the energy concern, the dates of his employment, and such other pertinent information as the Secretary may require.

Contents.

PARTICIPATION PROHIBITIONS

Sec. 606. (a) For a period of one year after terminating any employment with any energy concern, no supervisory employee shall knowingly participate in any Department proceeding in which his former employer is substantially, directly, or materially involved, other than in a rulemaking proceeding which has a substantial effect on numerous energy concerns.

42 USC 7216.

(b) For a period of one year after commencing service in the Department, no supervisory employee shall knowingly participate in any Department proceeding for which, within the previous five years, he had direct responsibility, or in which he participated substantially or personally, while in the employment of any energy concern.

(c) Whenever the Secretary makes a written finding as to a particular supervisory employee that the application of a particular restriction or requirement imposed by subsection (a) or (b) in a particular circumstance would work an exceptional hardship upon such supervisory employee or would be contrary to the national interest, the Secretary may waive in writing such restriction or requirement as to such supervisory employee. Any waiver made by the Secretary of a restriction imposed under subsection (b) shall also be filed with any record of the Department proceeding as to which the waiver for purposes of participation is granted. No such waiver shall in any instance constitute a waiver of the requirements of section 207 of title 18, United States Code.

Waiver.

PROCEDURES APPLICABLE TO REPORTS

Reports,
availability to
public.
42 USC 7217.

SEC. 607. (a) (1) Except as provided in this section, the Secretary shall make each report filed with him under section 603, 604, or 605 available to the public within thirty days after the receipt of such report, and shall provide a copy of any such report to any person upon written request.

Fee.

(2) The Secretary may require any person receiving a copy of any report to pay a reasonable fee in any amount which the Secretary finds necessary to recover the cost of reproduction or mailing of such report, excluding any salary of any employee involved in such reproduction or mailing. The Secretary may furnish a copy of any such report without charge, or at a reduced charge, if he determines that waiver or reduction of the fee is in the public interest because furnishing the information primarily benefits the public.

(3) Any report received by the Secretary shall be held in his custody and made available to the public for a period of six years after receipt by the Secretary of such report. After such six-year period, the Secretary shall destroy any such report.

Audit.

(b) The Civil Service Commission shall, under such regulations as are prescribed by the Commission, conduct, on a random basis, a sufficient number of audits of the reports filed pursuant to sections 603, 604, and 605, as deemed necessary and appropriate in order to monitor the accuracy and completeness of such reports.

Findings and
waivers file,
availability to
public.

(c) The Secretary shall maintain a file containing all findings and waivers made by him pursuant to section 602(c), 603(c), 605(a), or 606(c) and all such findings and waivers shall be available for public inspection and copying at all times during regular working hours in accordance with the procedures of this section.

SANCTIONS

42 USC 7218.

SEC. 608. (a) Any individual who is subject to, and knowingly violates, section 603 shall be fined not more than \$2,500 or imprisoned not more than one year, or both.

(b) Any individual who violates section 602, 603, 604, 605, or 606 shall be subject to a civil penalty, assessed by the Secretary in accordance with applicable law or by any district court of the United States, not to exceed \$10,000 for each violation.

(c) Notwithstanding any penalty imposed under subsection (a), any violation of section 605(a) shall be taken into consideration in deciding the outcome of any Department proceeding in connection with which the prohibited appearance, attendance, communication, or submission was made.

(d) Nothing in this title shall be deemed to limit the operation of section 207 or section 208 of title 18, United States Code. Nor shall any waiver issued pursuant to section 602(c) constitute a waiver of the requirements of such provision.

PART B—PERSONNEL PROVISIONS

OFFICERS AND EMPLOYEES

42 USC 7231.

SEC. 621. (a) In the performance of his functions the Secretary is authorized to appoint and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out such functions. Except as otherwise provided in this section, such officers

and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b)(1) Subject to the limitations provided in paragraph (2) and to the extent the Secretary deems such action necessary to the discharge of his functions, he may appoint not more than three hundred eleven of the scientific, engineering, professional, and administrative personnel of the department without regard to the civil service laws, and may fix the compensation of such personnel not in excess of the maximum rate payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

5 USC 5332 note.

(2) The Secretary's authority under this subsection to appoint an individual to such a position without regard to the civil service laws shall cease—

(A) when a person appointed, within four years after the effective date of this Act, to fill such position under paragraph (1) leaves such position, or

(B) on the day which is four years after such effective date, whichever is later.

(c)(1) Subject to the provisions of chapter 51 of title 5, United States Code, but notwithstanding the last two sentences of section 5108(a) of such title, the Secretary may place at GS-16, GS-17, and GS-18, not to exceed one hundred seventy-eight positions of the positions subject to the limitation of the first sentence of section 5108(a) of such title.

5 USC 5101.

(2) Appointments under this subsection may be made without regard to the provisions of sections 3324 of title 5, United States Code, relating to the approval by the Civil Service Commission of appointments under GS-16, GS-17, and GS-18 if the individual placed in such position is an individual who is transferred in connection with a transfer of functions under this Act and who, immediately before the effective date of this Act, held a position and duties comparable to those of such position.

(3) The Secretary's authority under this subsection with respect to any position shall cease when the person first appointed to fill such position leaves such position.

(d) In addition to the number of positions which may be placed at GS-16, GS-17, and GS-18 under section 5108 of title 5, United States Code, under existing law, or under this Act and to the extent the Secretary deems such action necessary to the discharge of his functions, he may appoint not more than two hundred of the scientific, engineering, professional, and administrative personnel without regard to the civil service laws and may fix the compensation of such personnel not in excess of the maximum rate payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(e) For the purposes of determining the maximum aggregate number of positions which may be placed at GS-16, GS-17, or GS-18 under section 5108(a) of title 5, United States Code, 63 percent of the positions established under subsections (b) and (c) shall be deemed GS-16 positions, 25 percent of such positions shall be deemed GS-17 positions, and 12 percent of such positions shall be deemed GS-18.

SENIOR POSITIONS

SEC. 622. In addition to those positions created by title II of this Act, there shall be within the Department fourteen additional officers in positions authorized by section 5316 of title 5, United States Code, who shall be appointed by the Secretary and who shall perform such functions as the Secretary shall prescribe from time to time.

42 USC 7232.
Ante, p. 569.

EXPERTS AND CONSULTANTS

42 USC 7233.

SEC. 623. The Secretary may obtain services as authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily rate prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for persons in Government service employed intermittently.

5 USC 5332 note.

ADVISORY COMMITTEES

Establishment.

42 USC 7234.

5 USC app.

SEC. 624. (a) The Secretary is authorized to establish in accordance with the Federal Advisory Committee Act such advisory committees as he may deem appropriate to assist in the performance of his functions. Members of such advisory committees, other than full-time employees of the Federal Government, while attending meetings of such committees or while otherwise serving at the request of the Secretary while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

Meetings.

15 USC 776.

(b) Section 17 of the Federal Energy Administration Act of 1974 shall be applicable to advisory committees chartered by the Secretary, or transferred to the Secretary or the Department under this Act, except that where an advisory committee advises the Secretary on matters pertaining to research and development, the Secretary may determine that such meeting shall be closed because it involves research and development matters and comes within the exemption of section 552b(c) (4) of title 5, United States Code.

ARMED SERVICES PERSONNEL

42 USC 7235.

SEC. 625. (a) The Secretary is authorized to provide for participation of Armed Forces personnel in carrying out functions authorized to be performed, on the date of enactment of this Act, in the Energy Research and Development Administration and under chapter 641 of title 10, United States Code. Members of the Armed Forces may be detailed for service in the Department by the Secretary concerned (as such term is defined in section 101 of such title) pursuant to cooperative agreements with the Secretary.

10 USC 7421 *et seq.*

(b) The detail of any personnel to the Department under this section shall in no way affect status, office, rank, or grade which officers or enlisted men may occupy or hold or any emolument, perquisite, right, privilege, or benefit incident to, or arising out of, such status, office, rank, or grade. Any member so detailed shall not be charged against any statutory or other limitation or strengths applicable to the Armed Forces, but shall be charged to such limitations as may be applicable to the Department. A member so detailed shall not be subject to direction or control by his armed force, or any officer thereof, directly or indirectly, with respect to the responsibilities exercised in the position to which detailed.

PART C—GENERAL ADMINISTRATIVE PROVISIONS

GENERAL AUTHORITY

42 USC 7251.

SEC. 641. To the extent necessary or appropriate to perform any function transferred by this Act, the Secretary or any officer or employee of the Department may exercise, in carrying out the function so transferred, any authority or part thereof available by law,

including appropriation Acts, to the official or agency from which such function was transferred.

DELEGATION

SEC. 642. Except as otherwise expressly prohibited by law, and except as otherwise provided in this Act, the Secretary may delegate any of his functions to such officers and employees of the Department as he may designate, and may authorize such successive redelegations of such functions within the Department as he may deem to be necessary or appropriate. 42 USC 7252.

REORGANIZATION

SEC. 643. The Secretary is authorized to establish, alter, consolidate or discontinue such organizational units or components within the Department as he may deem to be necessary or appropriate. Such authority shall not extend to the abolition of organizational units or components established by this Act, or to the transfer of functions vested by this Act in any organizational unit or component. 42 USC 7253.

RULES

SEC. 644. The Secretary is authorized to prescribe such procedural and administrative rules and regulations as he may deem necessary or appropriate to administer and manage the functions now or hereafter vested in him. 42 USC 7254.

SUBPENA

SEC. 645. For the purpose of carrying out the provisions of this Act, the Secretary, or his duly authorized agent or agents, shall have the same powers and authorities as the Federal Trade Commission under section 9 of the Federal Trade Commission Act with respect to all functions vested in, or transferred or delegated to, the Secretary or such agents by this Act. 42 USC 7255.
15 USC 49.

CONTRACTS

SEC. 646. (a) The Secretary is authorized to enter into and perform such contracts, leases, cooperative agreements, or other similar transactions with public agencies and private organizations and persons, and to make such payments (in lump sum or installments, and by way of advance or reimbursement) as he may deem to be necessary or appropriate to carry out functions now or hereafter vested in the Secretary. 42 USC 7256.

(b) Notwithstanding any other provision of this title, no authority to enter into contracts or to make payments under this title shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

ACQUISITION AND MAINTENANCE OF PROPERTY

SEC. 647. The Secretary is authorized to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain laboratories, research and testing sites and facilities, quarters and related accommodations for employees and dependents of employees of the Department, personal property (including patents), or any interest therein, as the Secretary deems necessary; and to provide by contract or otherwise for eating facilities and other necessary facilities for the health and welfare of employees of the Department at its installations and purchase and maintain equipment therefor. 42 USC 7257.

FACILITIES CONSTRUCTION

42 USC 7258.

SEC. 648. (a) As necessary and when not otherwise available, the Secretary is authorized to provide for, construct, or maintain the following for employees and their dependents stationed at remote locations:

- (1) Emergency medical services and supplies;
- (2) Food and other subsistence supplies;
- (3) Messing facilities;
- (4) Audio-visual equipment, accessories, and supplies for recreation and training;

Reimbursement.

- (5) Reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons;

Educational
transportation.
Reasonable
prices.

- (6) Living and working quarters and facilities; and

- (7) Transportation of schoolage dependents of employees to the nearest appropriate educational facilities.

(b) The furnishing of medical treatment under paragraph (1) of subsection (a) and the furnishing of services and supplies under paragraphs (2) and (3) of subsection (a) shall be at prices reflecting reasonable value as determined by the Secretary.

Reimbursement
proceeds, use.

(c) Proceeds from reimbursements under this section shall be deposited in the Treasury and may be withdrawn by the Secretary to pay directly the cost of such work or services, to repay or make advances to appropriations of funds which will initially bear all or a part of such cost, or to refund excess sums when necessary. Such payments may be credited to a working capital fund otherwise established by law, including the fund established pursuant to section 653 of this Act, and used under the law governing such fund, if the fund is available for use by the Department for performing the work or services for which payment is received.

USE OF FACILITIES

U.S. and foreign
government
facilities.
42 USC 7259.

SEC. 649. (a) With their consent, the Secretary and the Federal Energy Regulatory Commission may, with or without reimbursement, use the research, equipment, and facilities of any agency or instrumentality of the United States or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, or of any political subdivision thereof, or of any foreign government, in carrying out any function now or hereafter vested in the Secretary or the Commission.

(b) In carrying out his functions, the Secretary, under such terms, at such rates, and for such periods not exceeding five years, as he may deem to be in the public interest, is authorized to permit the use by public and private agencies, corporations, associations, or other organizations or by individuals of any real property, or any facility, structure, or other improvement thereon, under the custody of the Secretary for Department purposes. The Secretary may require permittees under this section to recondition and maintain, at their own expense, the real property, facilities, structures, and improvements involved to a satisfactory standard. This section shall not apply to excess property as defined in 3(e) of the Federal Property and Administrative Services Act of 1949.

40 USC 472.
Reimbursement
proceeds, use.

(c) Proceeds from reimbursements under this section shall be deposited in the Treasury and may be withdrawn by the Secretary or the head of the agency or instrumentality of the United States

involved, as the case may be, to pay directly the costs of the equipment, or facilities provided, to repay or make advances to appropriations or funds which do or will initially bear all or a part of such costs, or to refund excess sums when necessary, except that such proceeds may be credited to a working capital fund otherwise established by law, including the fund established pursuant to section 653 of this Act, and used under the law governing such fund, if the fund is available for use for providing the equipment or facilities involved.

FIELD OFFICES

SEC. 650. The Secretary is authorized to establish, alter, consolidate or discontinue and to maintain such State, regional, district, local or other field offices as he may deem to be necessary to carry out functions vested in him. 42 USC 7260.

COPYRIGHTS

SEC. 651. The Secretary is authorized to acquire any of the following described rights if the property acquired thereby is for use by or for, or useful to, the Department: 42 USC 7261.

- (1) copyrights, patents, and applications for patents, designs, processes, and manufacturing data;
- (2) licenses under copyrights, patents, and applications for patents; and
- (3) releases, before suit is brought, for past infringement of patents or copyrights.

GIFTS AND BEQUESTS

SEC. 652. The Secretary is authorized to accept, hold, administer, and utilize gifts, bequests, and devises of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be disbursed upon the order of the Secretary. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift, bequest, or devise. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift, bequest, or devise to the United States. 42 USC 7262.

CAPITAL FUND

SEC. 653. The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interests of economy and efficiency, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks Establishment. 42 USC 7263. Contents.

of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such funds shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain said fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to the services which he determines will be performed through the fund. Appropriations to the fund, in such amounts as may be necessary to provide additional working capital, are authorized.

Transfers.

SEAL OF DEPARTMENT

42 USC 7264. SEC. 654. The Secretary shall cause a seal of office to be made for the Department of such design as he shall approve and judicial notice shall be taken of such seal.

REGIONAL ENERGY ADVISORY BOARDS

Establishment.
42 USC 7265. SEC. 655. (a) The Governors of the various States may establish Regional Energy Advisory Boards for their regions with such membership as they may determine.

Observers. (b) Representatives of the Secretary, the Secretary of Commerce, the Secretary of the Interior, the Chairman of the Council on Environmental Quality, the Commandant of the Coast Guard and the Administrator of the Environmental Protection Agency shall be entitled to participate as observers in the deliberations of any Board established pursuant to subsection (a) of this section. The Federal Cochairman of the Appalachian Regional Commission or any regional commission under title V of the Public Works and Economic Development Act shall be entitled to participate as an observer in the deliberations of any such Board which contains one or more States which are members of such Commission.

42 USC 3181.

Recommendations. (c) Each Board established pursuant to subsection (a) may make such recommendations as it determines to be appropriate to programs of the Department having a direct effect on the region.

(d) If any Regional Advisory Board makes specific recommendations pursuant to subsection (c), the Secretary shall, if such recommendations are not adopted in the implementation of the program, notify the Board in writing of his reasons for not adopting such recommendations.

DESIGNATION OF CONSERVATION OFFICERS

42 USC 7266.

SEC. 656. The Secretary of Defense, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Secretary of Agriculture, the Secretary of the Interior, the United States Postal Service, and the Administrator of General Services shall each designate one Assistant Secretary or

Assistant Administrator, as the case may be, as the principal conservation officer of such Department or of the Administration. Such designated principal conservation officer shall be principally responsible for planning and implementation of energy conservation programs by such Department or Administration and principally responsible for coordination with the Department of Energy with respect to energy matters. Each agency, Department or Administration required to designate a principal conservation officer pursuant to this section shall periodically inform the Secretary of the identity of such conservation officer, and the Secretary shall periodically publish a list identifying such officers.

List, publication.

ANNUAL REPORT

SEC. 657. The Secretary shall, as soon as practicable after the end of each fiscal year, commencing with the first complete fiscal year following the effective date of this Act, make a report to the President for submission to the Congress on the activities of the Department during the preceding fiscal year. Such report shall include a statement of the Secretary's goals, priorities, and plans for the Department, together with an assessment of the progress made toward the attainment of those goals, the effective and efficient management of the Department, and progress made in coordination of its functions with other departments and agencies of the Federal Government. In addition, such report shall include the information required by section 15 of the Federal Energy Administration Act of 1974, section 307 of the Energy Reorganization Act of 1974, and section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974, and shall include:

Report to President for transmittal to Congress.
42 USC 7267.
Contents.

15 USC 774.
42 USC 5877.
42 USC 5914.

(1) projected energy needs of the United States to meet the requirements of the general welfare of the people of the United States and the commercial and industrial life of the Nation, including a comprehensive summary of data pertaining to all fuel and energy needs of residents of the United States residing in—

Energy needs.

(A) areas outside standard metropolitan statistical areas; and

(B) areas within such areas which are unincorporated or are specified by the Bureau of the Census, Department of Commerce, as rural areas;

(2) an estimate of (A) the domestic and foreign energy supply on which the United States will be expected to rely to meet such needs in an economic manner with due regard for the protection of the environment, the conservation of natural resources, and the implementation of foreign policy objectives, and (B) the quantities of energy expected to be provided by different sources (including petroleum, natural and synthetic gases, coal, uranium, hydroelectric, solar, and other means) and the expected means of obtaining such quantities;

Energy supply.

(3) current and foreseeable trends in the price, quality, management, and utilization of energy resources and the effects of those trends on the social, environmental, economic, and other requirements of the Nation;

Trends.

(4) a summary of research and development efforts funded by the Federal Government to develop new technologies, to forestall energy shortages, to reduce waste, to foster recycling, to encour-

Research and Development.

age conservation practices, and to increase efficiency; and further such summary shall include a description of the activities the Department is performing in support of environmental, social, economic and institutional, biomedical, physical and safety research, development, demonstration, and monitoring activities necessary to guarantee that technological programs, funded by the Department, are undertaken in a manner consistent with and capable of maintaining or improving the quality of the environment and of mitigating any undesirable environmental and safety impacts;

(5) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices (including competitive and regulatory practices) employed by Federal/State, and local governments and nongovernmental entities to achieve the purposes of this Act;

Recommendations.

(6) a summary of cooperative and voluntary efforts that have been mobilized to promote conservation and recycling, together with plans for such efforts in the succeeding fiscal year, and recommendations for changes in laws and regulations needed to encourage more conservation and recycling by all segments of the Nation's populace;

(7) a summary of substantive measures taken by the Department to stimulate and encourage the development of new manpower resources through the Nation's colleges and universities and to involve these institutions in the execution of the Department's research and development programs; and

Foreign entities operating in the U.S., activity summary.

(8) to the extent practicable, a summary of activities in the United States by companies or persons which are foreign owned or controlled and which own or control United States energy sources and supplies, including the magnitude of annual foreign direct investment in the energy sector in the United States and exports of energy resources from the United States by foreign owned or controlled business entities or persons, and such other related matters as the Secretary may deem appropriate.

LEASING REPORT

Submittal to Congress.
42 USC 7268.

SEC. 658. The Secretary of the Interior shall submit to the Congress not later than one year after the date of enactment of this Act, a report on the organization of the leasing operations of the Federal Government, together with any recommendations for reorganizing such functions may deem necessary or appropriate.

TRANSFER OF FUNDS

42 USC 7269.

SEC. 659. The Secretary, when authorized in an appropriation Act, in any fiscal year, may transfer funds from one appropriation to another within the Department, except that no appropriation shall be either increased or decreased pursuant to this section by more than 5 per centum of the appropriation for such fiscal year.

AUTHORIZATION OF APPROPRIATIONS

42 USC 7270.

SEC. 660. Appropriations to carry out the provisions of this Act shall be subject to annual authorization.

TITLE VII—TRANSITIONAL, SAVINGS, AND
CONFORMING PROVISIONS

TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL

SEC. 701. (a) Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions transferred by this Act, subject to section 202 of the Budget and Accounting Procedure Act of 1950, are hereby transferred to the Secretary for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall only be used for the purposes for which the funds were originally authorized and appropriated.

42 USC 7291.

31 USC 581c.

(b) Positions expressly specified by statute or reorganization plan to carry out function transferred by this Act, personnel occupying those positions on the effective date of this Act, and personnel authorized to receive compensation in such positions at the rate prescribed for offices and positions at level I, II, III, IV, or V of the executive schedule (5 U.S.C. 5312-5316) on the effective date of this Act, shall be subject to the provisions of section 703 of this Act.

EFFECT ON PERSONNEL

SEC. 702. (a) Except as otherwise provided in this Act, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions pursuant to this title shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of enactment of this Act, except that full-time temporary personnel employed at the Energy Research Centers of the Energy Research and Development Administration upon the establishment of the Department who are determined by the Department to be performing continuing functions may at the employee's option be converted to permanent full-time status within one hundred and twenty days following their transfer to the Department. The employment levels of full-time permanent personnel authorized for the Department by other law or administrative action shall be increased by the number of employees who exercise the option to be so converted.

42 USC 7292.

(b) Any person who, on the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department to a position having duties comparable to those performed immediately preceding his appointment shall continue to be compensated in his new position at not less than the rate provided for his previous position, for the duration of his service in the new position.

5 USC 5301 *et seq.*

(c) Employees transferred to the Department holding reemployment rights acquired under section 28 of the Federal Energy Administration Act of 1974 or any other provision of law or regulation may exercise such rights only within one hundred twenty days from the effective date of this Act or within two years of acquiring such rights, whichever is later. Reemployment rights may only be exercised at the request of the employee.

15 USC 786.

AGENCY TERMINATIONS

42 USC 7293.

SEC. 703. Except as otherwise provided in this Act, whenever all of the functions vested by law in any agency, commission, or other body, or any component thereof, have been terminated or transferred from that agency, commission, or other body, or component by this Act, the agency, commission, or other body, or component, shall terminate. If an agency, commission, or other body, or any component thereof, terminates pursuant to the preceding sentence, each position and office therein which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rates prescribed for an office or position at level II, III, IV, or V of the Executive Schedule (5 U.S.C. 5313-5316), shall terminate.

INCIDENTAL TRANSFERS

42 USC 7294.

SEC. 704. The Director of the Office of Management and Budget, in consultation with the Secretary and the Commission, is authorized and directed to make such determinations as may be necessary with regard to the transfer of functions which relate to or are utilized by an agency, commission or other body, or component thereof affected by this Act, to make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with the functions transferred by this Act, as he may deem necessary to accomplish the purposes of this Act.

SAVINGS PROVISIONS

42 USC 7295.

SEC. 705. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act to the Department or the Commission after the date of enactment of this Act, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, the Federal Energy Regulatory Commission, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(b) (1) The provisions of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending at the time this Act takes effect before any department, agency, commission, or component thereof, functions of which are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any

such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Secretary and the Commission are authorized to promulgate regulations providing for the orderly transfer of such proceedings to the Department or the Commission.

Regulations.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and,

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act.

(e) If, before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act any function of such department, agency, or officer is transferred to the Secretary or any other official, then such suit shall be continued with the Secretary or other official, as the case may be, substituted.

SEPARABILITY

SEC. 706. If any provision of this Act or the application thereof to any person or circumstance is held invalid, neither the remainder of this Act nor the application of such provision to other persons or circumstances shall be affected thereby.

42 USC 7296.

REFERENCE

SEC. 707. With respect to any functions transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department, commission, or agency or any officer or office the functions of which are so transferred shall be deemed to refer to the Secretary, the Federal Energy Regulatory Commission, or other official or component of the Department in which this Act vests such functions.

42 USC 7297.

PRESIDENTIAL AUTHORITY

SEC. 708. Except as provided in title IV, nothing contained in this Act shall be construed to limit, curtail, abolish, or terminate any function of, or authority available to, the President which he had immediately before the effective date of this Act; or to limit, curtail, abolish, or terminate his authority to delegate, redelegate, or terminate any delegation of functions.

42 USC 7298.

AMENDMENTS

SEC. 709. (a) The Federal Energy Administration Act of 1974 is amended:

15 USC 761 note.

(1) by repealing sections 4, 9, 28, and 30;

Repeals.

(2) in section 7—

15 USC 763,
768, 786, 761
note.

(A) by striking out subsections (a) and (b) and redesignating subsection (c) as subsection (a);

15 USC 766.

15 USC 766.

(B) by striking out subsections (d), (e), (f), (g), and (h);
 (C) by striking out “(i) (1)” and by striking out subparagraphs (A), (B), (C), (E), and (F) of subsection (i) (1) and redesignating subparagraph (D) of such subsection as subsection (b);

(D) by striking out, in the matter redesignated as subsection (b), “the rules, regulations, or orders described in paragraph (A)” and inserting in lieu thereof “any rule or regulation, or any order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, pursuant to this Act”;

(E) by striking out, in such subsection, “paragraph (2) of this subsection” and inserting in lieu thereof “subsection (c)”;

(F) by redesignating paragraph (2) (A) of subsection (i) as subsection (c) and by striking out subparagraph (B) of subsection (i) (2); and

(G) by striking out paragraph (3) of subsection (i) and by striking out subsections (j) and (k);

15 USC 790a.

(3) in section 52(a)—

(A) by striking out “and” at the end of paragraph (2);

(B) by striking out the period at the end of paragraph (3) and inserting in lieu thereof “; and”; and

(C) by adding after such paragraph (3) the following new paragraph:

“(4) the States to the extent required by the Natural Gas Act and the Federal Power Act.”; and

15 USC 717w.

16 USC 791a.

15 USC 790d.

(4) in section 55(b)—

(A) by striking out “seven” and inserting in lieu thereof “six”;

(B) by inserting “and” after “Federal Trade Commission.”; and

(C) by striking out “one shall be designated by the Chairman of the Federal Power Commission; and”.

Repeal.

42 USC 5818.

(b) The Energy Reorganization Act of 1974 is amended by repealing section 108.

Repeal.

42 USC 2036.

42 USC 2201

note.

(c) (1) The Atomic Energy Act of 1954 is amended by repealing section 26.

(2) Section 161(d) of the Atomic Energy Act of 1954 shall not apply to functions transferred by this Act.

12 USC 1701z-8.

(d) In section 509 (c) (6) and (e) of title 5 of the Housing and Urban Development Act of 1970, add “the Secretary of Housing and Urban Development,” to those individuals and agencies with whom the Secretary of the Department of Energy must consult.

(e) The Energy Conservation Standards for New Buildings Act of 1976 is amended as follows:

42 USC 6833.

(1) in section 304(c), by inserting “the Secretary of Housing and Urban Development,” after “the Administrator.”; and

42 USC 6839.

(2) in section 310, by inserting “Secretary of Housing and Urban Development,” after “the Administrator.”.

Loans, criteria.

(f) The Rural Electrification Act of 1936 is amended by adding a new section 16 to title I thereof to read as follows:

7 USC 916.

“SEC. 16. In order to insure coordination of electric generation and transmission financing under this Act with the national energy policy, the Administrator in making or guaranteeing loans for the construction, operation, or enlargement of generating plants or electric transmission lines or systems, shall consider such general criteria consistent

with the provisions of this Act as may be published by the Secretary of Energy.”.

(g) Section 19(d)(1) of title 3, United States Code, is amended by inserting immediately before the period at the end thereof the following: “, Secretary of Energy”.

ADMINISTRATIVE AMENDMENTS

SEC. 710. (a) Section 101 of title 5, United States Code is amended by adding at the end thereof the following:

“The Department of Energy.”.

(b) Subsection (a) of section 5108 of title 5, United States Code, is amended by striking out “an aggregate of 2,754” and inserting in lieu thereof “an aggregate of 3,243”.

(c) Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

“(14) Secretary of Energy.”.

(d) Paragraph (22) of section 5313 of title 5, United States Code, is amended to read as follows:

“(22) Deputy Secretary of Energy.”.

(e) Section 5314 of title 5, United States Code, is amended by striking out, in paragraph (21), “Federal Power Commission” and by inserting in lieu thereof “Federal Energy Regulatory Commission”, and by amending paragraph (60) to read as follows:

“(60) Under Secretary, Department of Energy”.

(f) Section 5315 of title 5, United States Code, is amended by striking out, in paragraph (60), “Federal Power Commission” and inserting in lieu thereof “Federal Energy Regulatory Commission”, by striking out paragraph 102, and by adding at the end of the section the following:

“(114) Assistant Secretaries of Energy (8)."

“(115) General Counsel of the Department of Energy."

“(116) Administrator, Economic Regulatory Administration, Department of Energy."

“(117) Administrator, Energy Information Administration, Department of Energy."

“(118) Inspector General, Department of Energy."

“(119) Director, Office of Energy Research, Department of Energy."

(g) Paragraphs (135) and (136) of section 5316 of title 5, United States Code, are amended to read as follows:

“(135) Deputy Inspector General, Department of Energy."

“(136) Additional Officers, Department of Energy (14).”.

TRANSITION

SEC. 711. With the consent of the appropriate department or agency head concerned, the Secretary is authorized to utilize the services of such officers, employees, and other personnel of the departments and agencies from which functions have been transferred to the Secretary for such period of time as may reasonably be needed to facilitate the orderly transfer of functions under this Act. 42 USC 7299.

CIVIL SERVICE COMMISSION REPORT

SEC. 712. The Civil Service Commission shall, as soon as practicable but not later than one year after the effective date of this Act, prepare

Transmittal to Congress.
42 USC 7300.

Contents.

and transmit to the Congress a report on the effects on employees of the reorganization under this Act, which shall include—

- (1) an identification of any position within the Department or elsewhere in the executive branch, which it considers unnecessary due to consolidation of functions under this Act;
- (2) a statement of the number of employees entitled to pay savings by reason of the reorganization under this Act;
- (3) a statement of the number of employees who are voluntarily or involuntarily separated by reason of such reorganization;
- (4) an estimate of the personnel costs associated with such reorganization;
- (5) the effects of such reorganization on labor management relations; and
- (6) such legislative and administrative recommendations for improvements in personnel management within the Department as the Commission considers necessary.

ENVIRONMENTAL IMPACT STATEMENTS

42 USC 7301.

SEC. 713. The transfer of functions under titles III and IV of this Act shall not affect the validity of any draft environmental impact statement published before the effective date of this Act.

TITLE VIII—ENERGY PLANNING

NATIONAL ENERGY POLICY PLAN

42 USC 7321.

SEC. 801. (a) The President shall—

(1) prepare and submit to the Congress a proposed National Energy Policy Plan (hereinafter in this title referred to as a “proposed Plan”) as provided in subsection (b);

(2) seek the active participation by regional, State, and local agencies and instrumentalities and the private sector through public hearings in cities and rural communities and other appropriate means to insure that the views and proposals of all segments of the economy are taken into account in the formulation and review of such proposed Plan;

(3) include within the proposed Plan a comprehensive summary of data pertaining to all fuel and energy needs of persons residing in—

(A) areas outside standard metropolitan statistical areas; and

(B) areas within standard metropolitan statistical areas which are unincorporated or are specified by the Bureau of the Census, Department of Commerce, as rural areas.

(b) Not later than April 1, 1979, and biennially thereafter, the President shall transmit to the Congress the proposed Plan. Such proposed Plan shall—

(1) consider and establish energy production, utilization, and conservation objectives, for periods of five and ten years, necessary to satisfy projected energy needs of the United States to meet the requirements of the general welfare of the people of the United States and the commercial and industrial life of the Nation, paying particular attention to the needs for full employment, price stability, energy security, economic growth, environmental protection, nuclear non-proliferation, special regional needs, and the efficient utilization of public and private resources;

Biennial
transmittal to
Congress.
Contents.

- (2) identify the strategies that should be followed and the resources that should be committed to achieve such objectives, forecasting the level of production and investment necessary in each of the significant energy supply sectors and the level of conservation and investment necessary in each consuming sector, and outlining the appropriate policies and actions of the Federal Government that will maximize the private production and investment necessary in each of the significant energy supply sectors; consistent with applicable Federal, State, and local environmental laws, standards, and requirements; and
- (3) recommend legislative and administrative actions necessary and desirable to achieve the objectives of such proposed Plan, including legislative recommendations with respect to taxes or tax incentives, Federal funding, regulatory actions, antitrust policy, foreign policy, and international trade.
- (c) The President shall submit to the Congress with the proposed Plan a report which shall include—
- (1) whatever data and analysis are necessary to support the objectives, resource needs, and policy recommendations contained in such proposed Plan;
- (2) an estimate of the domestic and foreign energy supplies on which the United States will be expected to rely to meet projected energy needs in an economic manner consistent with the need to protect the environment, conserve natural resources, and implement foreign policy objectives;
- (3) an evaluation of current and foreseeable trends in the price, quality, management, and utilization of energy resources and the effects of those trends on the social, environmental, economic, and other requirements of the Nation;
- (4) a summary of research and development efforts funded by the Federal Government to forestall energy shortages, to reduce waste, to foster recycling, to encourage conservation practices, and to otherwise protect environmental quality, including recommendations for developing technologies to accomplish such purposes; and
- (5) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices (including competitive and regulatory practices) employed by Federal, State, and local governments and nongovernmental entities to achieve the purposes of the Plan.
- (d) The President shall insure that consumers, small businesses, and a wide range of other interests, including those of individual citizens who have no financial interest in the energy industry, are consulted in the development of the Plan.

Report to
Congress.

Consultation.

CONGRESSIONAL REVIEW

SEC. 802. (a) Each proposed Plan shall be referred to the appropriate committees in the Senate and the House of Representatives.

(b) Each such committee shall review the proposed Plan and, if it deems appropriate and necessary, report to the Senate or the House of Representatives legislation regarding such Plan which may contain such alternatives to, modifications of, or additions to the proposed Plan submitted by the President as the committee deems appropriate.

Plan, referral to
congressional
committees.
42 USC 7322.
Report to
Congress.

TITLE IX—EFFECTIVE DATE AND INTERIM APPOINTMENTS

EFFECTIVE DATE

Publication in
Federal Register.
Regulations.
42 USC 7341.

SEC. 901. The provisions of this Act shall take effect one hundred and twenty days after the Secretary first takes office, or on such earlier date as the President may prescribe and publish in the Federal Register, except that at any time after the date of enactment of this Act, (1) any of the officers provided for in title II and title IV of this Act may be nominated and appointed, as provided in those titles, and (2) the Secretary and the Commission may promulgate regulations pursuant to section 705(b)(2) of this Act at any time after the date of enactment of this Act. Funds available to any department or agency (or any official or component thereof), functions of which are transferred to the Secretary or the Commission by this Act, may with the approval of the Director of the Office of Management and Budget, be used to pay the compensation and expenses of any officer appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

INTERIM APPOINTMENTS

42 USC 7342.

SEC. 902. In the event that one or more officers required by this Act to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act, the President may designate any officer, whose appointment was required to be made, by and with the advice and consent of the Senate, and who was such an officer immediately prior to the effective date of the Act, to act in such office until the office is filled as provided in this Act. While so acting such persons shall receive compensation at the rates provided by this Act for the respective offices in which they act.

TITLE X—SUNSET PROVISIONS

SUBMISSION OF COMPREHENSIVE REVIEW

Submittal to
Congress.
42 USC 7351.

SEC. 1001. Not later than January 15, 1982, the President shall prepare and submit to the Congress a comprehensive review of each program of the Department. Each such review shall be made available to the committee or committees of the Senate and House of Representatives having jurisdiction with respect to the annual authorization of funds, pursuant to section 660, for such programs for the fiscal year beginning October 1, 1982.

CONTENTS OF REVIEW

42 USC 7352.

SEC. 1002. Each comprehensive review prepared for submission under section 1001 shall include—

- (1) the name of the component of the Department responsible for administering the program;
- (2) an identification of the objectives intended for the program and the problem or need which the program was intended to address;
- (3) an identification of any other programs having similar or potentially conflicting or duplicative objectives;
- (4) an assessment of alternative methods of achieving the purposes of the program;

(5) a justification for the authorization of new budget authority, and an explanation of the manner in which it conforms to and integrates with other efforts;

(6) an assessment of the degree to which the original objectives of the program have been achieved, expressed in terms of the performance, impact, or accomplishments of the program and of the problem or need which it was intended to address, and employing the procedures or methods of analysis appropriate to the type or character of the program;

(7) a statement of the performance and accomplishments of the program in each of the previous four completed fiscal years and of the budgetary costs incurred in the operation of the program;

(8) a statement of the number and types of beneficiaries or persons served by the program;

(9) an assessment of the effect of the program on the national economy, including, but not limited to, the effects on competition, economic stability, employment, unemployment, productivity, and price inflation, including costs to consumers and to businesses;

(10) an assessment of the impact of the program on the Nation's health and safety;

(11) an assessment of the degree to which the overall administration of the program, as expressed in the rules, regulations, orders, standards, criteria, and decisions of the officers executing the program, are believed to meet the objectives of the Congress in establishing the program;

(12) a projection of the anticipated needs for accomplishing the objectives of the program, including an estimate if applicable of the date on which, and the conditions under which, the program may fulfill such objectives;

(13) an analysis of the services which could be provided and performance which could be achieved if the program were continued at a level less than, equal to, or greater than the existing level; and

(14) recommendations for necessary transitional requirements in the event that funding for such program is discontinued, including proposals for such executives or legislative action as may be necessary to prevent such discontinuation from being unduly disruptive.

Approved August 4, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-346, pt. I (Comm. on Government Operations) and No. 95-346, pt. II (Comm. on Post Office and Civil Service), both parts accompanying H.R. 6804, and 95-539 (Comm. of Conference).

SENATE REPORTS: No. 95-164 (Comm. on Governmental Affairs) and No. 95-367 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 18, considered and passed Senate.

June 2, H.R. 6804 considered in House.

June 3, considered and passed House, amended, in lieu of H.R. 6804.

Aug. 2, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 32:

Aug. 4, Presidential statement.

Public Law 95-92
95th Congress

An Act

Aug. 4, 1977

[H.R. 6884]

To amend the Foreign Assistance Act of 1961 to authorize international security assistance programs for fiscal year 1978, to amend the Arms Export Control Act to make certain changes in the authorities of that Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

International
Security
Assistance Act of
1977.

SHORT TITLE

22 USC 2151
note.

SECTION 1. This Act may be cited as the "International Security Assistance Act of 1977".

CONTINGENCY FUND

22 USC 2261.

SEC. 2. Section 451(a) of the Foreign Assistance Act of 1961 is amended by striking out "for the fiscal year 1976 not to exceed \$5,000,000 and for the fiscal year 1977 not to exceed \$5,000,000" and inserting in lieu thereof "for the fiscal year 1978 not to exceed \$5,000,000".

INTERNATIONAL NARCOTICS CONTROL

Appropriation
authorization.
22 USC 2291a.
22 USC 2291.

SEC. 3. Section 482 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 482. AUTHORIZATION.—To carry out the purposes of section 481, there are authorized to be appropriated to the President \$39,000,000 for the fiscal year 1978. Amounts appropriated under this section are authorized to remain available until expended."

ASSISTANCE TO PORTUGAL

22 USC 2294. SEC. 4. Chapter 10 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 497. BALANCE OF PAYMENTS LOAN FOR PORTUGAL.—(a) In recognition of the established interest of the United States in fostering a democratic government in Portugal, in maintaining the strength of the North Atlantic Treaty Organization alliance, and in supporting European economic recovery, the purpose of this section is to provide essential balance of payments assistance to Portugal.

Support loans.

"(b) The President is authorized to make balance of payments support loans to Portugal as part of a special international effort to assist that country in the development and implementation of a program to gain financial stability and economic recovery.

Appropriation
authorization.

"(c) There are authorized to be appropriated to the President not to exceed \$300,000,000 for the fiscal year 1978 to carry out the purposes of this section, which amount is authorized to remain available until expended."

MILITARY ASSISTANCE

Appropriation
authorization.
22 USC 2312.

SEC. 5. (a) Section 504(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a) (1) There are authorized to be appropriated to the President to carry out the purposes of this chapter not to exceed \$228,900,000 for the fiscal year 1978. Not more than the following amounts of funds

Allocation.

available to carry out this chapter may be allocated and made available for assistance to each of the following countries for the fiscal year 1978:

Greece	\$33,000,000
Portugal	25,000,000
Spain	15,000,000
Turkey	48,000,000
Jordan	55,000,000
Indonesia	15,000,000
Philippines	19,600,000
Thailand	8,000,000

The amount specified in this paragraph for military assistance to any such country for the fiscal year 1978 may be increased by not more than 10 per centum of such amount if the President deems such increase necessary for the purposes of this chapter. Increase.

“(2) Except with respect to costs incurred under the authority of section 516(b) or as otherwise specifically authorized by law, none of the funds available for assistance under this chapter may be used to provide assistance to any recipient other than the countries specified in paragraph (1). Infra.

“(3) The authority of section 610(a) and of section 614(a) may not be used to increase any amount specified in paragraph (1) or to waive the limitations of paragraph (2).

“(4) Amounts appropriated under this subsection are authorized to remain available until expended.”.

(b) Section 516(b) of the Foreign Assistance Act of 1961 is amended by striking out “paragraphs (2) and (3)” and inserting in lieu thereof “paragraph (2)”. 22 USC 2321j.

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 6. Section 514(b) (2) of the Foreign Assistance Act of 1961 is amended by striking out “\$93,750,000 for the period beginning July 1, 1975, and ending September 30, 1976, and \$125,000,000 for the fiscal year 1977” and inserting in lieu thereof “\$270,000,000 for the fiscal year 1978”. 22 USC 2321h.

INTERNATIONAL MILITARY ASSISTANCE AND SALES PROGRAM MANAGEMENT

SEC. 7. (a) Section 515 of the Foreign Assistance Act of 1961 is amended to read as follows: 22 USC 2321i.

“SEC. 515. OVERSEAS MANAGEMENT OF ASSISTANCE AND SALES PROGRAMS.—(a) No military assistance advisory group, military mission, or other organization of United States military personnel performing similar military advisory functions under this Act or the Arms Export Control Act may operate in any foreign country unless specifically authorized by the Congress. The prohibition contained in this subsection does not apply to regular units of the Armed Forces of the United States engaged in routine functions designed to bring about the standardization of military operations and procedures between the Armed Forces of the United States and countries which are members of the North Atlantic Treaty Organization or other defense treaty allies of the United States. Congressional authorization.

“(b) (1) In order to carry out his responsibilities for the management during the fiscal year 1978 of international security assistance programs conducted under this chapter, under chapter 5 of this part, or under the Arms Export Control Act, the President may assign members of the Armed Forces of the United States to perform neces- 22 USC 2751 note.

22 USC 2347.

- Ante*, p. 614.
- sary functions with respect to such programs in the countries specified in section 504(a)(1) and in the Republic of Korea, Panama, Brazil, Morocco, Iran, Kuwait, and Saudi Arabia. Members of the Armed Forces assigned under this subsection shall have as their primary functions logistics management, transportation, fiscal management, and contract administration of country programs. It is the sense of the Congress that advisory and training assistance in the countries specified above shall primarily be provided by personnel who are not assigned under this subsection and who are detailed for limited periods to perform specific tasks.
- Limitation.** “(2) The total number of members of the Armed Forces assigned under this subsection to each country specified in paragraph (1) of this subsection may not exceed the number justified to the Congress in the congressional presentation materials, unless the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives are so notified.
- “ (3) Members of the Armed Forces authorized to be assigned to Iran, Kuwait, and Saudi Arabia by paragraph (1) of this subsection may only be assigned to such countries on a fully reimbursable basis under section 21(a) of the Arms Export Control Act, except that this requirement shall apply only to the extent that the number of members of the Armed Forces assigned to each such country exceeds six.
- “ (c) The President may assign not to exceed three members of the Armed Forces to any country not specified in subsection (b)(1) to perform accounting and other management functions with respect to international security assistance programs conducted under this chapter, chapter 5 of this part, or under the Arms Export Control Act, except that not to exceed three additional members of the Armed Forces may be assigned to a country to perform such functions when specifically requested by the Chief of the Diplomatic Mission as necessary to the efficient operation of the Mission.
- 22 USC 2761.** “ (d) The total number of members of the Armed Forces assigned to foreign countries under subsections (b) and (c) may not exceed 865 for the fiscal year 1978.
- “ (e) Members of the Armed Forces assigned to a foreign country under subsection (b) or (c) shall serve under the direction and supervision of the Chief of the United States Diplomatic Mission in that country.
- “ (f) Defense attachés may perform overseas management functions described in this section only if the President determines that the performance of such functions by defense attachés is the most economic and efficient means of performing such functions. The President shall promptly report each such determination to the Speaker of the House of Representatives and to the chairman of the Senate Committee on Foreign Relations and the chairman of the Senate Committee on Armed Services, together with a description of the number of personnel involved and a statement of the reasons for such determination. The number of defense attachés performing overseas management functions in a country under this subsection may not exceed the number of defense attachés authorized to be assigned to that country on December 31, 1976.
- 22 USC 2347, 2751 note.** “ (g) The entire costs (including salaries of United States military personnel) of overseas management of international security assistance programs under this section shall be charged to or reimbursed from funds made available to carry out this chapter, including any such costs which are reimbursed from charges for services collected
- Report to Speaker of the House and congressional committees.**
- Costs.**

from foreign governments pursuant to sections 21(e) and 43(b) of the Arms Export Control Act. The prohibition contained in subsection (a) of this section and the numerical limitations contained in subsections (b), (c), and (d) of this section shall not apply to members of the Armed Forces performing services for specific purposes and periods of time on a fully reimbursable basis under section 21(a) of the Arms Export Control Act."

22 USC 2761,
Infra.

(b) Section 516(a) of the Foreign Assistance Act of 1961 is amended by striking out "515(b)(2)" and inserting in lieu thereof "515".

22 USC 2321j.

(c) Section 631(d) of the Foreign Assistance Act of 1961 is amended—

22 USC 2391.

(1) by striking out "this Act" and inserting in lieu thereof "part I of this Act"; and

(2) by striking out all that follows after "economic officer of the mission" and inserting a period in lieu thereof.

(d) Section 43(b) of the Arms Export Control Act is amended to read as follows:

Administrative
services, charges.
22 USC 2792.

"(b) Charges for administrative services calculated under section 21(e)(1)(A) of this Act shall include recovery of administrative expenses incurred by any department or agency of the United States Government, including any mission or group thereof, in carrying out functions under this Act when—

"(1) such functions are primarily for the benefit of any foreign country; and

"(2) such expenses are not directly and fully charged to, and reimbursed from amounts received for, sale of defense services under section 21(a) of this Act."

SECURITY SUPPORTING ASSISTANCE

SEC. 8. (a) Section 531 of the Foreign Assistance Act of 1961 is amended—

22 USC 2346.

(1) by striking out in the last sentence thereof "The" and inserting in lieu thereof "Except for programs in southern Africa, the"; and

(2) by adding at the end thereof the following new sentence: "In planning security supporting assistance programs intended for economic development, the President shall take into account to the maximum extent feasible the policy directions set forth in chapter I of part I of this Act."

(b) Section 532 of the Foreign Assistance Act of 1961 is amended to read as follows:

22 USC 2151.
Appropriation
authorization.
22 USC 2346a.

"SEC. 532. AUTHORIZATION.—(a) (1) There are authorized to be appropriated to the President to carry out the purposes of this chapter for the fiscal year 1978 not to exceed \$1,890,000,000, of which not less than the following amounts shall be available only for the following countries:

"Israel -----	\$785,000,000
Egypt -----	750,000,000
Jordan -----	93,000,000
Syria -----	90,000,000
Lebanon -----	20,000,000
Cyprus -----	15,000,000

"(2) Of the amount authorized to be appropriated by paragraph (1) for the fiscal year 1978 which is available for Israel, not less than \$300,000,000 shall be available only for budgetary support on a grant basis.

Israel, limitation.

Availability.

“(b) Amounts appropriated under this section are authorized to remain available until expended.”.

(c) Chapter 4 of part II of such Act is amended by adding at the end thereof the following new section:

22 USC 2346b.

Ante, p. 617.

“SEC. 533. SOUTHERN AFRICAN SPECIAL REQUIREMENTS FUNDS.—(a)

(1) Of the funds authorized to be appropriated by section 532 for the fiscal year 1978, \$80,000,000 shall be available only for the countries of southern Africa to address the problems caused by the economic dislocation resulting from the conflict in that region, and for education and job training assistance for Africans from Namibia and Zimbabwe (Southern Rhodesia). Such funds may be used to provide assistance to African refugees and persons displaced by war and internal strife in southern Africa, to improve transportation links interrupted or jeopardized by regional political conflicts, and to provide trade credits for the purchase of United States products to those countries in the region adversely affected by blocked outlets for their exports and by the overall strains of the world economy.

“(2) Of the funds made available under this section, not more than the following amounts may be made available for the following:

“Botswana	\$15,000,000
Lesotho	15,000,000
Swaziland	5,000,000
Regional programs for education, training, and refugee assistance...	45,000,000

“(3) To the extent practicable consistent with the purposes specified in paragraph (1), assistance under this section should be used to meet the objectives set forth in sections 102 (c) and (d) and in other sections of chapter 1 of part I of this Act.

22 USC 2151.

22 USC 2151
*et seq.*Report to
Speaker of the
House and
congressional
committee.
Limitation.

“(4) Before obligating any funds under this section, the President shall notify the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate with respect to the specific projects and programs for which such funds will be used.

“(b) Of the funds made available under subsection (a) of this section for regional programs, not to exceed \$1,000,000 may be used by the President for the preparation of a comprehensive analysis of the development needs of southern Africa to enable the Congress to determine what contribution United States foreign assistance can make.

“(c) (1) None of the funds made available under this section may be used for military, guerrilla, or paramilitary activities in any country.

Waiver.
Report to
Congress.

“(2) No assistance may be furnished under this section to Mozambique, Angola, Tanzania, or Zambia, except that the President may waive this prohibition with respect to any such country if he determines (and so reports to the Congress) that furnishing such assistance to that country would further the foreign policy interests of the United States.

Rhodesian
conflict,
settlement.

“(d) It is the sense of the Congress that the United States should support an internationally recognized constitutional settlement of the Rhodesian conflict leading promptly to majority rule based upon democratic principles and upholding basic human rights. The Congress declares its intent to support United States participation in a Zimbabwe Development Fund. The Congress intends to authorize the necessary appropriation when progress toward such an internationally recognized settlement would permit establishment of the Fund.”.

REVIEW OF SECURITY SUPPORTING ASSISTANCE PROGRAM FOR EGYPT

SEC. 9. (a) It is the sense of the Congress that the security supporting assistance program for Egypt plays an important role in the Middle East peace effort and that the Executive branch should concentrate its efforts in order to make the program a success.

22 USC 2346
note.

(b) In furtherance of the policy expressed in subsection (a), the Secretary of State shall convene a Special Interagency Task Force (hereafter in this section referred to as the "Task Force") to review and prepare a study on the security supporting assistance program for Egypt. The Task Force may employ consultants for the purpose of carrying out such study.

Special
Interagency Task
Force, study.

Consultants,
employment.

(c)(1) The Task Force shall review planned United States economic assistance to Egypt and shall suggest alternatives to such assistance. In carrying out this paragraph, the Task Force shall consider—

(A) the interrelationship of United States and Egyptian economic and political interests;

(B) the possibility of emphasizing programs designed to enhance the opportunities in the Egyptian private business and agriculture sectors, with special emphasis on low-cost approaches to expedite development; and

(C) to the extent appropriate, the views of Egyptian economists and government officials.

(2) Based on an analysis of the considerations described in paragraph (1) and on such other considerations as it may find to be relevant, the Task Force shall develop a plan for the use of future United States economic assistance to Egypt. Such plan shall include, where necessary, suggestions for revising legislation, for specific development projects, and for the staff requirements of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961.

Plan.

(d)(1) In carrying out its responsibilities under paragraphs (1) and (2) of subsection (c), the Task Force shall consult, on a regular basis, with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

22 USC 2151
et seq.
Consultation with
congressional
committees.

(2) The Task Force shall transmit the plan developed pursuant to subsection (c)(2) to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate not later than February 15, 1978.

Plan, transmittal
to the Speaker of
the House and
congressional
committee.
Funds,
availability.

(e) Not to exceed \$750,000 of the funds authorized and earmarked for security supporting assistance to Egypt in the fiscal year 1977 shall be available to carry out this section.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 10. Section 542 of the Foreign Assistance Act of 1961 is amended by striking out "\$27,000,000 for the fiscal year 1976 and \$30,200,000 for the fiscal year 1977" and inserting in lieu thereof "\$31,000,000 for the fiscal year 1978".

22 USC 2347a.

PROHIBITION AGAINST ASSISTANCE AND SALES TO ARGENTINA

SEC. 11. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section: "SEC. 620B. PROHIBITION AGAINST ASSISTANCE AND SALES TO ARGENTINA.—After September 30, 1978—

22 USC 2372.

"(1) no assistance may be furnished under chapter 2, 4, or 5 of part II of this Act to Argentina;

22 USC 2311,
2346, 2347.

- 22 USC 2751
note.
- “(2) no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act with respect to Argentina;
- “ (3) no sales of defense articles or services may be made under the Arms Export Control Act to Argentina; and
- 22 USC 2778.
- “ (4) no export licenses may be issued under section 38 of the Arms Export Control Act to or for the Government of Argentina.”

NUCLEAR ENRICHMENT AND REPROCESSING TRANSFERS; NUCLEAR
DETONATIONS

22 USC 2429.

SEC. 12. Chapter 3 of part III of the Foreign Assistance Act of 1961 is amended by striking out section 669 and inserting in lieu thereof the following new sections:

Assistance,
agreements and
safeguards.
22 USC 2751
note.

“SEC. 669. NUCLEAR ENRICHMENT TRANSFERS.—(a) Except as provided in subsection (b), no funds authorized to be appropriated by this Act or the Arms Export Control Act may be used for the purpose of providing economic assistance, providing military or security supporting assistance or grant military education and training, or extending military credits or making guarantees, to any country which, on or after the date of enactment of the International Security Assistance Act of 1977, delivers nuclear enrichment equipment, materials, or technology to any other country, or receives such equipment, materials, or technology from any other country, unless before such delivery—

“ (1) the supplying country and receiving country have reached agreement to place all such equipment, materials, or technology, upon delivery, under multilateral auspices and management when available; and

“ (2) the recipient country has entered into an agreement with the International Atomic Energy Agency to place all such equipment, materials, technology, and all nuclear fuel and facilities in such country under the safeguards system of such Agency.

Presidential
certification,
transmittal to
Speaker of the
House and
congressional
committee.

“ (b) (1) Notwithstanding subsection (a) of this section, the President may furnish assistance which would otherwise be prohibited under such subsection if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that—

“ (A) the termination of such assistance would have a serious adverse effect on vital United States interests; and

“ (B) he has received reliable assurances that the country in question will not acquire or develop nuclear weapons or assist other nations in doing so.

Such certification shall set forth the reasons supporting such determination in each particular case.

Joint resolution.

“ (2) Any joint resolution which would terminate or restrict assistance described in subsection (a) with respect to a country to which the prohibition in such subsection applies shall, if introduced within thirty days after the transmittal of a certification under paragraph (1) of this subsection with respect to such country, be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

90 Stat. 765.
22 USC 2429a.

“SEC. 670. NUCLEAR REPROCESSING TRANSFERS AND NUCLEAR DETONATIONS.—(a) Except as provided in subsection (b), no funds authorized to be appropriated by this Act or the Arms Export Control Act may be used for the purpose of providing economic assistance, providing military or security supporting assistance or grant military education

22 USC 2751
note.

and training, or extending military credits or making guarantees, to any country which on or after the date of enactment of the International Security Assistance Act of 1977—

“(1) delivers nuclear reprocessing equipment, materials, or technology to any other country or receives such equipment, materials, or technology from any other country (except for the transfer of reprocessing technology associated with the investigation, under international evaluation programs in which the United States participates, of technologies which are alternatives to pure plutonium reprocessing); or

“(2) is not a nuclear-weapon state as defined in article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons and which detonates a nuclear explosive device.

“(b) (1) Notwithstanding subsection (a) of this section, the President may furnish assistance which would otherwise be prohibited under such subsection if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the termination of such assistance would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefor.

“(2) Any joint resolution which would terminate or restrict assistance described in subsection (a) with respect to a country to which the prohibition in such subsection applies shall, if introduced within thirty days after the transmittal of a certification under paragraph (1) of this subsection with respect to such country, be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.”.

21 UST 483.

Presidential certification, submittal to Speaker of the House and congressional committee.

Joint resolution.

90 Stat. 765.

MIDDLE EAST PEACE

Sec. 13. Section 903 of the Foreign Assistance Act of 1961 is amended—

Appropriation authorization.

22 USC 2443.

(1) in subsection (a), by striking out “for the fiscal year 1976 not to exceed \$50,000,000 and for the fiscal year 1977 not to exceed \$35,000,000” and inserting in lieu thereof “for the fiscal year 1978 not to exceed \$25,000,000, of which not less than \$12,200,000 shall be available only for the Sinai support mission,”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking out “and” at the end of clause (B), and

(ii) by inserting immediately before the semicolon at the end thereof “, and (D) the reasons why the President has determined that it is in the national interest to use funds appropriated under this section for such purpose rather than (i) using funds available for such purpose under part I, or (ii) if no funds are available for such purpose under part I, awaiting the enactment of legislation making funds specifically available for such purpose”; and

(B) in paragraph (2), by striking out “provided by clauses (A), (B), and (C) of” and inserting in lieu thereof “required by”; and

(3) in subsection (e), by striking out “1977” and inserting in lieu thereof “1978”.

PROHIBITION ON ASSISTANCE FOR NUCLEAR POWERPLANTS

22 USC 2406
note.
22 USC 2151
note.

SEC. 14. None of the funds made available to carry out the Foreign Assistance Act of 1961 for the fiscal year 1978 may be used to finance the construction of, the operation or maintenance of, or the supply of fuel for, any nuclear powerplant under an agreement for cooperation between the United States and any other country.

REPEAL OF PROHIBITION RELATING TO THE TWELVE-MILE FISHING LIMIT

Repeal.
22 USC 2753.

SEC. 15. Section 3(b) of the Arms Export Control Act is repealed.

CONGRESSIONAL DISAPPROVAL OF THIRD COUNTRY TRANSFERS

SEC. 16. Section 3(d) of the Arms Export Control Act is amended—

(1) by striking out “, 30 days prior to giving such consent,” in the text preceding paragraph (1);

(2) by redesignating such section as section 3(d)(1) and redesignating paragraphs (1) through (5) thereof as subparagraphs (A) through (E), respectively; and

(3) by adding the following new paragraph at the end thereof:

“(2) Unless the President states in the certification submitted pursuant to this subsection that an emergency exists which requires that consent to the proposed transfer become effective immediately in the national security interests of the United States, such consent shall not become effective until 30 calendar days after the date of such submission and such consent shall become effective then only if the Congress does not adopt, within such 30-day period, a concurrent resolution disapproving the proposed transfer.”.

TRANSFERS OF DEFENSE ARTICLES AND DEFENSE SERVICES FOR MAINTENANCE, REPAIR, AND OVERHAUL

SEC. 17. Section 3(d) of the Arms Export Control Act, as amended by section 16 of this Act, is further amended by adding the following new paragraph at the end thereof:

“(3) This subsection shall not apply—

“(A) to transfers of maintenance, repair, or overhaul defense services, or of the repair parts or other defense articles used in furnishing such services, if the transfer will not result in any increase, relative to the original specifications, in the military capability of the defense articles and services to be maintained, repaired, or overhauled;

“(B) to temporary transfers of defense articles for the sole purpose of receiving maintenance, repair, or overhaul; or

“(C) to cooperative cross servicing arrangements among members of the North Atlantic Treaty Organization.”.

PROHIBITION AGAINST SALES, CREDITS, AND GUARANTIES TO COUNTRIES WHICH GRANT SANCTUARY TO INTERNATIONAL TERRORISTS

SEC. 18. Section 3 of the Arms Export Control Act is amended by adding at the end thereof the following new subsection:

“(f)(1) Unless the President finds that the national security requires otherwise, he shall terminate all sales, credits, and guaranties under this Act to any government which aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism. The President may not thereafter

make or extend sales, credits, or guaranties to such government until the end of the one year period beginning on the date of such termination, except that if during its period of ineligibility for sales, credits, and guaranties pursuant to this section such government aids or abets, by granting sanctuary from prosecution to, any other individual or group which has committed an act of international terrorism, such government's period of ineligibility shall be extended for an additional year for each such individual or group.

“(2) If the President finds that the national security justifies a continuation of sales, credits, or guaranties to any government described in paragraph (1), he shall report such finding to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.”.

Presidential report to Speaker of the House and congressional committee.

FOREIGN MILITARY SALES AUTHORIZATION AND AGGREGATE CEILING

SEC. 19. Section 31 of the Arms Export Control Act is amended— 22 USC 2771.

(1) in subsection (a), by striking out all in the first sentence after “not to exceed” the first time it appears and inserting in lieu thereof “\$677,000,000 for the fiscal year 1978.”;

(2) in subsection (b), by striking out all after “shall not exceed” the first time it appears and inserting in lieu thereof “\$2,102,350,000 for the fiscal year 1978, of which not less than \$1,000,000,000 shall be available only for Israel.”; and

(3) in subsection (c)—

(A) in the first sentence, by striking out “the fiscal years 1976 and 1977” and inserting in lieu thereof “the fiscal year 1978”; and

(B) in the last sentence, by striking out “each”.

LICENSES FOR THE EXPORT OF CERTAIN MAJOR DEFENSE EQUIPMENT

SEC. 20. Section 38(b)(3) of the Arms Export Control Act is amended by adding at the end thereof the following new sentence: “The prohibition contained in the first sentence of this paragraph shall not apply to the issuance of licenses under this section for the export of major defense equipment to Australia, Japan, or New Zealand, or major defense equipment sold commercially in implementation of an agreement between the United States Government and the government of a foreign country for the production of the major defense equipment to which such licenses relate if the President has submitted a certificate with respect to such proposed agreement, prior to its signature, to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate in the same form as the certification required under section 36(b) of this Act and subject to the requirements of such section.”.

22 USC 2778.
Presidential certification, submittal to Speaker of the House and congressional committee.

22 USC 2776.

FISCAL YEAR 1977 AUTHORIZATIONS AND LIMITATIONS

SEC. 21. Authorizations of appropriations and limitations of authority applicable to the fiscal year 1977 contained in provisions of law amended by this Act shall not be affected by enactment of this Act.

22 USC 2151
note.

ASSISTANCE AND SALES TO GREECE AND TURKEY

SEC. 22. (a) In addition to any amounts authorized to be appropriated by any amendment made by this Act which may be available for such purpose, there are authorized to be appropriated such sums

Appropriation authorization.

as may be necessary for the fiscal year 1978 to carry out international agreements relating to defense cooperation with Greece and Turkey.

(b) No funds appropriated under this section may be obligated or expended to carry out any agreement described in subsection (a) until legislation has been enacted approving such agreement.

22 USC 2311
et seq., 2347 et seq.
22 USC 2370.

(c) Funds appropriated for the fiscal year 1978 may not be obligated for assistance to Turkey under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961, other than in accordance with section 620(x) of such Act.

(d) Section 620(x)(1) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out “for the fiscal year 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal year 1977,” and inserting in lieu thereof “for the fiscal year 1978”;

(2) by striking out “(A) during the fiscal year 1976 and the period beginning July 1, 1976, and ending September 30, 1976, the total value of defense articles and defense services sold to Turkey under such Act, either for cash or financed by credits and guaranties, shall not exceed \$125,000,000, and (B) during the fiscal year 1977,” and inserting in lieu thereof “during the fiscal year 1978”; and

(3) by striking out “\$125,000,000” the second place it appears and inserting in lieu thereof “\$175,000,000”.

ARMS SALES AND UNITED STATES DEFENSE READINESS

Report to
Congress.
22 USC 2751
note.
Contents.

SEC. 23. The President shall prepare and submit to the Congress not later than March 15, 1978, a report on the impact of United States foreign arms sales and transfers on United States defense readiness and national security. The report should focus on arms sales since 1972 and discuss the impact of such sales on United States troops stationed overseas. The report shall also include an analysis of United States foreign arms sales and transfers which have involved agreements entered into by the United States for the purchase or acquisition by the United States of defense articles, services, or equipment, or other articles, services, or equipment of any foreign country or international organization in connection with or as consideration for such United States foreign arms sales and transfers, including—

(1) an analysis of the impact such agreements have had upon United States business concerns which might otherwise have provided such articles, services, or equipment to the United States;

(2) an estimate of the costs incurred by the United States in connection with such agreements compared with the costs which would otherwise have been incurred;

(3) an estimate of the economic impact and unemployment which have resulted from such agreements; and

(4) an analysis of whether such costs and such domestic economic impact have justified entering into such agreements.

STUDY OF TECHNOLOGY TRANSFERS

22 USC 2751
note.

Contents.

SEC. 24. (a) The President shall conduct a comprehensive study of the policies and practices of the United States Government with respect to the national security and military implications of international transfers of technology in order to determine whether such policies and practices should be changed. Such study shall examine—

(1) the nature of technology transfer;

(2) the effect of technology transfers on United States technological superiority;

(3) the rationale for transfers of technology from the United States to foreign countries;

(4) the benefits and risks of such transfers;

(5) trends in technology transfers by the United States and other countries;

(6) the need for controls on transfers of technology, including controls on the use of transferred technology, the effectiveness of existing end-use controls, and possible unilateral sanctions if end-use restrictions are violated;

(7) the effectiveness of existing organizational arrangements in the Executive branch in regulating technology transfers from the United States;

(8) the adequacy of existing legislation and regulations with respect to transfers of technology from the United States; and

(9) the possibilities for international agreements with respect to transfers of technology.

(b) In conducting the study required by subsection (a), the President shall utilize the resources and expertise of the Arms Control and Disarmament Agency, the Department of State, the Department of Defense, the Department of Commerce, the National Science Foundation, the Office of Science and Technology Policy, and such other entities within the Executive branch as he deems necessary.

(c) Not later than the end of the one-year period beginning on the date of enactment of this section, the President shall submit to the Congress a report setting forth in detail the findings made and conclusions reached as a result of the study conducted pursuant to subsection (a), together with such recommendations for legislation and administrative action as the President deems appropriate.

Report to
Congress.
Legislative
recommendations.

POLICY ON ZAIRE

SEC. 25. No assistance of any kind may be furnished for the fiscal year 1978 for the purpose, or which would have the effect, or promoting or augmenting, directly or indirectly, any military or paramilitary operations in Zaire unless and until the President determines that such assistance should be furnished in the national security interests of the United States and submits to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing—

Report to
Speaker of the
House and
congressional
committee.
22 USC 2370
note.

(1) a detailed description of the assistance proposed to be furnished, including the amounts of such assistance, the categories and specific kinds of assistance proposed, and the purposes for which such assistance will be used; and

(2) a certification that the President has determined that the furnishing of such assistance is important to the national security interests of the United States and a detailed statement, in unclassified form, of the reasons supporting such determination.

POLICY STATEMENT ON UNITED STATES ARMS SALES TO ISRAEL

SEC. 26. In accordance with the historic special relationship between the United States and Israel and previous agreements and continuing understandings, the Congress joins with the President in reaffirming that a policy of restraint in United States arms transfers, including arms sales ceilings, shall not impair Israel's deterrent strength or undermine the military balance in the Middle East.

22 USC 2751
note.

REVIEW OF ARMS SALES CONTROLS ON NONLETHAL ITEMS

22 USC 2751
note.

SEC. 27. The President shall undertake a review of all regulations relating to arms control for the purpose of defining and categorizing lethal and non-lethal products and establishing the appropriate level of control for each category.

REPUBLIC OF KOREA

Cooperation with
Department of
Justice
investigation.

SEC. 28. (a) (1) It is the sense of the Congress that the President should take all effective measures to assure that the Republic of Korea is cooperating fully with the investigation (including any resulting prosecutions) being conducted by the Department of Justice with respect to allegations of improper activity in the United States by agents of the Republic of Korea.

Report to
Congress.

(2) Accordingly, the President is requested to report to the Congress, within ninety days after the date of enactment of this Act and once during each ninety-day period thereafter while such investigation (including any resulting prosecutions) is underway, with respect to the extent to which the Republic of Korea is cooperating with such investigation.

(b) It is the further sense of the Congress that the President should take all effective measures to assure that the Republic of Korea is cooperating fully with the investigations being conducted by committees of Congress.

PIASTER CONVERSION

22 USC 2431
note.

SEC. 29. No provision of law shall be construed to prevent payment of claims of former and present Vietnamese employees of the Agency for International Development, who presently reside in the United States, for the conversion of Vietnamese piasters to dollars because such conversion cannot take place in the territory of the former Republic of Vietnam or because the official with whom such piasters were deposited was not a United States disbursing officer.

Approved August 4, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-274 (Comm. on International Relations) and No. 95-503 (Comm. of Conference).

SENATE REPORT No. 95-195 accompanying S. 1160 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 123 (1977):

May 23, 24, considered and passed House.

June 15, considered and passed Senate, amended, in lieu of S. 1160.

July 21, House agreed to conference report.

July 22, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 32:

Aug. 5, Presidential statement.

Public Law 95-93
95th Congress

An Act

To provide employment and training opportunities for youth, and to provide for other improvements in employment and training programs.

Aug. 5, 1977
[H.R. 6138]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the “Youth Employment and Demonstration Projects Act of 1977”.

Youth
Employment and
Demonstration
Projects Act of
1977.
29 USC 801 note.

TITLE I—YOUNG ADULT CONSERVATION CORPS

AMENDMENT ESTABLISHING THE CORPS

SEC. 101. The Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following new title: 29 USC 801 note.

“TITLE VIII—YOUNG ADULT CONSERVATION CORPS

“STATEMENT OF PURPOSE

“SEC. 801. It is the purpose of this title to establish a Young Adult Conservation Corps to provide employment and other benefits to youths who would not otherwise be currently productively employed, through a period of service during which they engage in useful conservation work and assist in completing other projects of a public nature on Federal and non-Federal public lands and waters. 29 USC 993.

“ESTABLISHMENT OF YOUNG ADULT CONSERVATION CORPS

“SEC. 802. To carry out the purposes of this title, there is hereby established a Young Adult Conservation Corps to carry out projects on Federal or non-Federal public lands or waters. The Secretary of Labor shall administer this title through interagency agreements with the Secretaries of the Interior and Agriculture. Pursuant to such interagency agreements, the Secretaries of the Interior and Agriculture shall have responsibility for the management of each Corps center, including determination of Corps members’ work assignments, selection, training, discipline, and termination, and shall be responsible for an effective program at each center. 29 USC 993a.
Administration.

“SELECTION OF ENROLLEES

“SEC. 803. (a) Enrollees of the Corps shall be selected by the Secretaries of the Interior and Agriculture only from candidates referred by the Secretary of Labor. 29 USC 993b.

“(b) (1) Membership in the Corps shall be limited to individuals who, at the time of enrollment—

“(A) are unemployed;

“(B) are between the ages sixteen to twenty-three, inclusive;

“(C) are citizens or lawfully permanent residents of the United States or lawfully admitted refugees or parolees;

“(D) are capable, as determined by the Secretary of Labor, of carrying out the work of the Corps for the estimated duration of each such individual’s enrollment.

“(2) Individuals who, at the time of enrollment, have attained age sixteen but not attained age nineteen and who have left school shall not be admitted to membership in the Corps unless they give adequate assurances, under criteria established by the Secretary of Labor, that they did not leave school for the purpose of enrolling in the Corps and obtaining employment under this title.

Candidate
referral.

29 USC 812.
29 USC 872.

29 USC 873.

“(c) The Secretary of Labor shall make arrangements for obtaining referral of candidates for the Corps from the public employment service, prime sponsors qualified under section 102 of this Act, sponsors of Native American programs qualified under section 302 of this Act, sponsors of migrant and seasonal farmworker programs under section 303 of this Act, the Secretaries of the Interior and Agriculture, and such other agencies and organizations as the Secretary of Labor may deem appropriate. The Secretary of Labor shall undertake to assure that an equitable proportion of candidates shall be referred from each State.

29 USC 844.

Maximum
enrollment
period.

“(d) In referring candidates from each State in accordance with sub-
section (c), preference shall be given to youths residing in rural and urban areas within each such State having substantial unemployment, including areas of substantial unemployment determined by the Secretary of Labor under section 204(c) of this Act to have rates of unemployment equal to or in excess of 6.5 per centum.

“(e) (1) No individual may be enrolled in the Corps for a total period of more than twelve months, with such maximum period consisting of either one continuous twelve-month period, or three or less periods which total twelve months, except that an individual who attains the maximum permissible enrollment age may continue in the Corps up to the twelve-month limit provided in this subsection only as long as the individual’s enrollment is continuous after having attained the maximum age.

“(2) No individual shall be enrolled in the Corps if solely for purposes of membership for the normal period between school terms.

“ACTIVITIES OF THE CORPS

Residential and
nonresidential
Corps centers.
29 USC 993c.

“SEC. 804. (a) Consistent with each interagency agreement, the Secretary of the Interior or Agriculture, as appropriate, in consultation with the Secretary of Labor shall determine the location of each residential and nonresidential Corps center. The Corps shall perform work on projects in such fields as—

“(1) tree nursery operations, planting, pruning, thinning, and other silviculture measures;

“(2) wildlife habitat improvements and preservation;

“(3) range management improvements;

“(4) recreation development, rehabilitation, and maintenance;

“(5) fish habitat and culture measures;

“(6) forest insect and disease prevention and control;

“(7) road and trail maintenance and improvements;

“(8) general sanitation, cleanup, and maintenance;

“(9) erosion control and flood damage;

“(10) drought damage measures; and

“(11) other natural disaster damage measures.

“(b) (1) The Secretary of the Interior and the Secretary of Agriculture shall undertake to assure that projects on which work is performed under this title are consistent with the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and such other standards relating to such projects as each Secretary shall prescribe consistent with other provisions of Federal law.

16 USC 1601
note.
16 USC 1600
note.

“(2) The Secretary of the Interior and the Secretary of Agriculture shall place individuals employed as Corps members into jobs which will diminish the backlog of relatively labor intensive projects which would otherwise be carried out if adequate funding were made available.

“(c) To the maximum extent practicable, projects shall—

Corps projects.

“(1) be labor intensive;

“(2) be projects for which work plans could be readily developed;

“(3) be able to be initiated promptly;

“(4) be productive;

“(5) be likely to have a lasting impact both as to the work performed and the benefit to the youths participating;

“(6) provide work experience to participants in skill areas required for the projects;

“(7) if a residential program, be located, to the maximum extent consistent with the objectives of this title, in areas where existing residential facilities for the Corps members are available; and

“(8) be similar to activities of persons employed in seasonal and part-time employment in agencies such as the National Park Service, United States Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, Bureau of Indian Affairs, Forest Service, Bureau of Outdoor Recreation, and Soil Conservation Service.

“(d) (1) The Secretary of the Interior and the Secretary of Agriculture, pursuant to agreements with the Secretary of Labor, may provide for such transportation, lodging, subsistence, medical treatment, and other services, supplies, equipment, and facilities as they may deem appropriate to carry out the purposes of this part. To minimize transportation costs, Corps members shall be assigned to projects as near to their homes as practicable.

Facilities,
supplies, and
equipment.

“(2) Whenever economically feasible, existing but unoccupied or underutilized Federal, State and local government facilities and equipment of all types shall, where appropriate, be utilized for the purposes of the Corps centers with the approval of the Federal agency, State, or local government involved.

“(e) The Secretary of Labor, in carrying out the purpose of this title, shall work with the Department of Health, Education, and Welfare to make suitable arrangements whereby academic credit may be awarded by educational institutions and agencies for competencies derived from work experience obtained through programs established under this title.

Academic credit
granted for work
experience.

“CONDITIONS APPLICABLE TO CORPS ENROLLEES

“SEC. 805. (a) Except as otherwise specifically provided in this subsection, Corps members shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employ-

29 USC 993d.

ment including those regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits:

“(1) For purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), Corps members shall be deemed employees of the United States and any service performed by a person as a Corps member shall be deemed to be performed in the employ of the United States.

Work injuries
compensation.
5 USC 8101.

“(2) For purposes of subchapter 1 of chapter 81 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, Corps members shall be deemed civil employees of the United States within the meaning of the term ‘employee’ as defined in section 8101 of title 5, United States Code, and provisions of that subchapter shall apply, except that the term ‘performance of duty’ shall not include any act of a Corps member while absent from the member’s assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from such post of duty) authorized by or under the direction and supervision of the Secretary.

Tort claims.
28 USC 2671.

“(3) For purposes of chapter 171 of title 28 of the United States Code, relating to tort claims procedure, Corps members shall be deemed civil employees of the United States within the meaning of the term ‘employee of the Government’ as defined in section 2671 of title 28, United States Code, and provisions of that chapter shall apply.

Quarters
allowances.

“(4) For purposes of section 5911 of title 5 of the United States Code, relating to allowances for quarters, Corps members shall be deemed civil employees of the United States within the meaning of the term ‘employee’ as defined in that section, and provisions of that section shall apply.

Wages, hours,
and working
conditions.

“(b) The Secretary of Labor shall, in consultation with the Secretaries of the Interior and Agriculture, establish standards for—

29 USC 206.

“(1) rates of pay which shall be at least at the wage required by section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended;

“(2) reasonable hours and conditions of employment; and

“(3) safe and healthful working and living conditions.

“STATE AND LOCAL PROGRAMS

Grants.
29 USC 993e.

“SEC. 806. (a) Consistent with interagency agreements with the Secretary of Labor, the Secretaries of the Interior and Agriculture may make grants or enter into other agreements—

“(1) after consultation with the Governor, with any State agency or institution;

“(2) after consultation with appropriate State and local officials, with (A) any unit of general local government, or (B) (i) any public agency or organization, or (ii) any private nonprofit agency or organization which has been in existence for at least two years;

for the conduct under this title of any State or local component of the Corps or of any project on non-Federal public lands or waters or any project involving work on both non-Federal and Federal lands and waters.

Grant
applications.

“(b) No grant or other agreement may be entered into under this section unless an application is submitted to the Secretary of the Interior or the Secretary of Agriculture, as the case may be, at such time as each such Secretary may prescribe. Each grant application

shall contain assurances that individuals employed under the project for which the application is submitted—

- “(1) meet the qualifications set forth in section 803(b),
- “(2) shall be employed in accordance with section 805(b), and
- “(3) shall be employed in activities that—
 - “(A) will result in an increase in employment opportunities over those opportunities which would otherwise be available,
 - “(B) will not result in the displacement of currently employed workers (including partial displacement such as reduction in the hours of nonovertime work or wages or employment benefits),
 - “(C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed,
 - “(D) will not substitute jobs assisted under this title for existing federally assisted jobs, and
 - “(E) will not result in the hiring of any youth when any other person is on layoff from the same or any substantially equivalent job.

“(c) Thirty percent of the sums appropriated to carry out this title for any fiscal year shall be made available for grants under this section for such fiscal year and shall be made on the basis of total youth population within each State.

“SECRETARIAL REPORTS

“SEC. 807. The Secretary of Labor, the Secretary of the Interior and the Secretary of Agriculture shall jointly prepare and submit to the President and to the Congress a report detailing the activities carried out under this title for each fiscal year. Such report shall be submitted not later than February 1 of each year following the date of enactment of this Act. The Secretaries shall include in such report such recommendations as they deem appropriate.

Report to
President and
Congress.
29 USC 993f.

“ANTIDISCRIMINATION

“SEC. 808. (a) No persons with responsibilities in the operations of such programs shall discriminate with respect to participation in such programs because of race, creed, color, national origin, sex, political affiliation, or beliefs.

29 USC 993g.

“(b) The Corps shall be open to youth from all parts of the country of both sexes and youth of all social, economic, and racial classifications.

“TRANSFER OF FUNDS

“SEC. 809. Funds necessary to carry out their responsibilities under this title shall be made available to the Secretaries of the Interior and Agriculture in accord with interagency agreements between the Secretary of Labor and the Secretaries of the Interior and Agriculture.

29 USC 993h.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 810. There are authorized to be appropriated such sums as may be necessary for the fiscal year 1978 and for each fiscal year ending prior to October 1, 1980, for the purpose of carrying out this title.”

29 USC 993i.

TITLE II—YOUTH EMPLOYMENT DEMONSTRATION PROGRAMS

YOUTH PROJECTS AND ACTIVITIES AUTHORIZED

SEC. 201. Title III of the Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following new part:

“PART C—YOUTH EMPLOYMENT DEMONSTRATION PROGRAM

“STATEMENT OF PURPOSE

29 USC 891.

“SEC. 321. It is the purpose of this part to establish a variety of employment, training and demonstration programs to explore methods of dealing with the structural unemployment problems of the Nation's youth. The basic purpose of the demonstration programs shall be to test the relative efficacy of different ways of dealing with these problems in different local contexts, but this basic purpose shall not preclude the funding of programs dealing with the immediate difficulties faced by youths who are in need of, and unable to find, jobs. It is explicitly not the purpose of this part to provide make-work opportunities for unemployed youth; instead, it is the purpose to provide youth, and particularly economically disadvantaged youth, with opportunities to learn and earn that will lead to meaningful employment opportunities after they have completed the program.

“SUBPART I—YOUTH INCENTIVE ENTITLEMENT PILOT PROJECTS

“ENTITLEMENT PILOT PROJECTS AUTHORIZED

29 USC 892.

“SEC. 325. (a) The Secretary shall enter into arrangements with prime sponsors selected in accordance with the provisions of this subpart for the purpose of demonstrating the efficacy of guaranteeing otherwise unavailable part-time employment, or combination of part-time employment and training, for economically disadvantaged youth between the ages of sixteen and nineteen, inclusive, during the school year who resume or maintain attendance in secondary school for the purpose of acquiring a high school diploma or in a program which leads to a certificate of high school equivalency and full-time employment or part-time employment and training during the summer months to each such youth.

Prime sponsors.

“(b) Each prime sponsor who applies for and is selected by the Secretary to carry out a pilot project under this subpart shall guarantee such employment to each such unemployed youth who resides within the area or a designated part thereof served by the prime sponsor and who applies to that prime sponsor for employment. The Secretary shall provide to each prime sponsor, from funds appropriated for carrying out this subpart, in combination with any funds made available by such prime sponsor according to an agreement made pursuant to section 327(a)(4)(F), the amount to which that prime sponsor is entitled under subsection (c).

“(c) Each prime sponsor shall be entitled to receive, for each youth who is provided employment by that prime sponsor, the costs associated with providing such employment. Such costs shall take into account funds made available by such prime sponsor under section 327(a)(4)(F).

"EMPLOYMENT GUARANTEES

"SEC. 326. Employment opportunities guaranteed under this subpart shall take the form of any one of the following or combination thereof: 29 USC 892a.

"(1) Part-time employment or training or combination thereof during the school year, not to exceed an average of twenty hours per week for each youth employed, and not to last less than six months nor more than nine, or projects operated by community-based organizations of demonstrated effectiveness which have a knowledge of the needs of disadvantaged youth; local educational agencies (as defined in section 801(f) of the Elementary and Secondary Education Act of 1965); institutions of higher education (as defined in section 1201(a) of the Higher Education Act of 1965); nonprofit private organizations or institutions engaged in public service; nonprofit voluntary youth organizations; nonprofit private associations, such as labor organizations, educational associations, business, cultural, or other private associations; units of general local government; or special purpose political subdivisions either having the power to levy taxes and spend funds or serving such special purpose in two or more units of general local government. Part-time employment.

20 USC 881.

20 USC 1141.

"(2) Part-time employment on an individual basis in any of the institutions and under the same conditions provided for in clause (1).

"(3) Part-time employment on either a project or individual basis in any of the institutions and under the same conditions as provided in clause (1) which includes as part of the employment on-the-job or apprenticeship training.

"(4) Full-time employment during the summer months, not to exceed forty hours per week for each youth employed, and not to last less than eight weeks, in any of the institutions described in clause (1) of this section. Full-time employment.

"SELECTING PRIME SPONSORS

"SEC. 327. (a) In selecting prime sponsors to operate youth incentive entitlement projects, the Secretary shall— 29 USC 892b.

"(1) select prime sponsors from areas with differing socioeconomic and regional circumstances such as differing unemployment rates, school dropout rates, urban and rural variations, size, and other such factors designed to test the efficacy of a youth job entitlement in a variety of differing locations and circumstances;

"(2) take into consideration the extent to which the prime sponsors devote funds made available under title I and section 304(a) (1), (2), and (3) of this Act for the purpose of carrying out a youth incentive entitlement project or for supportive services; 29 USC 811, 874.

"(3) take into consideration the extent to which new and different classifications, occupations, or restructured jobs are created for youth;

"(4) select only prime sponsors which submit proposals which include—

"(A) a description of the procedure to be utilized by the prime sponsor to publicize, consider, approve, audit, and

monitor youth incentive projects or jobs funded by the prime sponsor under this part, including copies of proposed application materials, as well as examples of audit and client characteristics reports;

“(B) a statement of the estimated number of economically disadvantaged youth to be served by the prime sponsor, and assurances that only such disadvantaged youth will be served;

“(C) assurances that the provisions of section 352 and 353 are met relating to wage provisions and special conditions;

“(D) assurances that the prime sponsor has consulted with public and private nonprofit educational agencies including vocational and postsecondary education institutions and other agencies which offer high school equivalency programs; public employers, including law enforcement and judicial agencies; labor organizations; voluntary youth groups; community-based organizations; organizations of demonstrated effectiveness with a special knowledge of the needs of such disadvantaged youth; and with the private sector in the development of the plan, and assurances that arrangements are made with appropriate groups to assist the prime sponsor in carrying out the purposes of this subpart;

“(E) assurances that arrangements are made with the State employment security agencies to carry out the purposes of this subpart;

29 USC 811.

“(F) an agreement that title I funds planned for economically disadvantaged youth employment programs and funds available for the summer youth program under section 304 for youth eligible under subsection (a) will be used in support of the project authorized under this subpart;

29 USC 874.

“(G) assurances that the employment of eligible youth meets the requirements of eligible activities under section 328;

“(H) assurances that participating youth shall not be employed more than an average of twenty hours per week during the school year and not more than forty hours per week during the summer;

“(I) assurances that a participating youth is not a relative of any person with responsibility for hiring a person to fill that job;

“(J) assurances that whenever employment involves additional on-the-job, institutional, or apprenticeship training provided by the employer, and if such training is not paid for in full or in part by the prime sponsor under any other program authorized under this Act, wages may be paid in accordance with the provisions of subsection (b) of section 14 of the Fair Labor Standards Act of 1938, and with the balance being applied to the cost of training;

29 USC 214.

“(K) assurances that arrangements have been made with the appropriate local education agency or with the institution offering a certified high school equivalency program that such youth is enrolled and meeting the minimum academic and attendance requirements of that school or education program and with employers that such youth meet the minimum work and attendance requirements of such employment and that any employment guarantee is conditioned on such enrollment; and

“(L) assurances that the prime sponsor will make available the data necessary for the Secretary to prepare the report required by section 329.

“(b) In approving a prime sponsor to operate a youth incentive entitlement pilot project under this subpart the Secretary may also test the efficacy of any such project involving—

Efficacy tests for certain projects.

“(1) the use of a variety of subsidies to private for-profit employers, notwithstanding the provisions of sections 326 and 328(a), to encourage such employers to provide employment and training opportunities under this subpart, but no such subsidy shall exceed the net cost to the employer of the wages paid and training provided;

“(2) arrangements with unions to enable youth to enter into apprenticeship training as part of the employment provided under this subpart;

“(3) a variety of administrative mechanisms to facilitate the employment of youths under an entitlement arrangement;

“(4) the inclusion of economically disadvantaged youths between the ages of nineteen and twenty-five who have not received their high school diploma;

“(5) the inclusion of occupational and career counseling, outreach, career, exploration, and on-the-job training and apprenticeship as part of the employment entitlement; and

“(6) the inclusion of youth under the jurisdiction of the juvenile or criminal justice system with the approval of the appropriate authorities.

“SPECIAL PROVISIONS

“Sec. 328. (a) Employment and training under this subpart shall develop the participant's role as a meaningful member of the community, and may include, but is not limited to, employment and training in such fields as environmental quality, health care, education, social services, public safety, crime prevention and control, transportation, recreation, neighborhood improvement, rural development, conservation, beautification, and community improvement projects.

Participant development.
29 USC 892c.

“(b) No funds for employment under this subpart shall be used to provide public services through a nonprofit organization, association, or institution, or a nonprofit private institution of higher education, or any other applicant, which were previously provided by a political subdivision or local educational agency in the area served by the project or where the employment and training takes place, and no funds will be used under this subpart to provide such services through such an organization or institution which are customarily provided only by a political subdivision or local educational agency in the area served by such project or where the employment and training takes place.

“REPORTS

“Sec. 329. The Secretary shall report to the Congress not later than March 15, 1978, on his interim findings on the efficacy of a youth incentive entitlement. The Secretary shall submit another report not later than December 31, 1978 concerning the youth incentive entitlement projects authorized under this subpart. Included in such reports shall be findings with respect to—

Reports to Congress.
29 USC 892d.

“(1) the number of youths enrolled at the time of the report;

“(2) the cost of providing employment opportunities to such youths;

“(3) the degree to which such employment opportunities have caused out-of-school youths to return to school or others to remain in school;

“(4) the number of youths provided employment in relation to the total which might have been eligible;

“(5) the kinds of jobs provided such youths and a description of the employers—public and private—providing such employment;

“(6) the degree to which on-the-job or apprenticeship training has been offered as part of the employment;

“(7) the estimated cost of such a program if it were to be extended to all areas;

“(8) the effect such employment opportunities have had on reducing youth unemployment in the areas of the prime sponsors operating a project; and

“(9) the impact of job opportunities provided under the project on other job opportunities for youths in the area.

“SUBPART 2—YOUTH COMMUNITY CONSERVATION AND IMPROVEMENT PROJECTS

“STATEMENT OF PURPOSE

- 29 USC 893. “SEC. 331. It is the purpose of this subpart to establish a program of community conservation and improvement projects to provide employment, work experience, skill training, and opportunities for community service to eligible youths, for a period not to exceed twelve months, supplementary to but not replacing opportunities
- 29 USC 811. available under title I of this Act.

“DEFINITIONS

- 29 USC 893a. “SEC. 332. As used in this subpart, the term—
- 29 USC 812. “(1) ‘eligible applicant’ means any prime sponsor qualified
- 29 USC 872. under section 102 of this Act, sponsors of Native American programs qualified under section 302(c) (1) of this Act, and sponsors of migrant and seasonal farmworker programs qualified under section 303 of this Act;
- 29 USC 873. “(2) ‘project applicant’ shall have the same meaning as in
- 29 USC 981. section 701(a) (15) of this Act;
- “(3) ‘eligible youths’ means individuals who are unemployed and, at the time of entering employment under this subpart, are ages sixteen to nineteen, inclusive; and
- “(4) ‘community improvement projects’ means projects providing work which would not otherwise be carried out, including, but not limited to, the rehabilitation or improvement of public facilities; neighborhood improvements; weatherization and basic repairs to low-income housing; energy conservation including solar energy techniques, especially those utilizing materials and supplies available without cost; and conservation, maintenance, or restoration of natural resources on publicly held lands other than Federal lands.

“ALLOCATION OF FUNDS

- 29 USC 893b. “SEC. 333. (a) Funds available to carry out this subpart for any fiscal year shall be allocated in such a matter that not less than 75 per

centum of such funds shall be allocated among the States on the basis of the relative number of unemployed persons within each State as compared to all States, except that not less than one-half of 1 per centum of such funds shall be allocated for projects under this subpart within any one State and not less than one-half of 1 per centum of such funds shall be allocated in the aggregate for projects in Guam, the Virgin Islands, American Samoa, the Northern Marianas, and the Trust Territory of the Pacific Islands.

“(b) Of the funds available for this subpart 2 percent shall be available for projects for Native American eligible youths, and 2 percent shall be available for projects for eligible youths in migrant and seasonal farmworker families.

“(c) The remainder of the funds available for this subpart shall be allocated as the Secretary deems appropriate.

“COMMUNITY CONSERVATION AND IMPROVEMENT YOUTH EMPLOYMENT PROJECTS

“SEC. 334. The Secretary is authorized, in accordance with the provisions of this subpart, to enter into agreements with eligible applicants to pay the costs of community conservation and improvement youth employment projects to be carried out by project applicants employing eligible youths and appropriate supervisory personnel. 29 USC 893c.

“PROJECT APPLICATIONS

“SEC. 335. (a) Project applicants shall submit applications for funding of projects under this subpart to the appropriate eligible applicant. 29 USC 893d.

“(b) In accordance with regulations prescribed by the Secretary, each project application shall—

“(1) provide a description of the work to be accomplished by the project, the jobs to be filled, and the approximate duration for which eligible youths would be assigned to such jobs;

“(2) describe the wages or salaries to be paid individuals employed in jobs assisted under this subpart;

“(3) set forth assurances that there will be an adequate number of supervisory personnel on the project and that the supervisory personnel are adequately trained in skills needed to carry out the project and can instruct participating eligible youths in skills needed to carry out a project;

“(4) set forth assurances that any income generated by the project will be applied toward the cost of the project;

“(5) set forth assurances for acquiring such space, supplies, materials, and equipment as necessary, including reasonable payment for the purchase or rental thereof;

“(6) set forth assurances that, to the maximum extent feasible, projects carried out under this subpart shall be labor intensive; and

“(7) set forth such other assurances, arrangements, and conditions as the Secretary deems appropriate to carry out the purposes of this subpart.

“PROPOSED AGREEMENTS

“SEC. 336. (a) (1) Each eligible applicant desiring funds under this subpart shall submit a proposed agreement to the Secretary, together with all project applications approved by the eligible applicant and 29 USC 893e.

all project applications approved by any program agent within the area served by the eligible applicant. With its transmittal of the proposed agreement, the eligible applicant shall provide descriptions of the project applications approved by the eligible applicant and by any program agent within the area served by the eligible applicant, accompanied by the recommendations of the eligible applicant concerning the relative priority attached to each project.

29 USC 844.
Contents.

“(2) The definition and functions of a program agent shall be as set forth in section 204(d) of this Act.

“(b) The proposed agreement submitted by any eligible applicant shall—

29 USC 815.

“(1) describe the method of recruiting eligible youths, including a description of how such recruitment will be coordinated with plans under other provisions of this Act, including arrangements required by section 105 of this Act, and also including a description of arrangements with school systems and the public employment service (including school cooperative programs);

“(2) provide a description of job training and skill development opportunities that will be made available to participating eligible youths, as well as a description of plans to coordinate the training and work experience with school-related programs, including the awarding of academic credit; and

“(3) set forth such other assurances as the Secretary may require to carry out the purposes of this subpart.

Project
applications,
submittal to
planning
councils.
29 USC 814.
29 USC 872.
29 USC 873.

“(c) (1) In order for a project application submitted by a project applicant to be submitted to the Secretary by any eligible applicant, copies of such application shall have been submitted at the time of such application to the prime sponsor's planning council established under section 104 of this Act (or an appropriate planning organization in the case of sponsors of Native American programs under section 302 of this Act or migrant and seasonal farmworker programs under section 303 of this Act) for the purpose of affording such council (and the youth council established under section 346) an opportunity to submit comments and recommendations with respect to that application to the eligible applicant. No member of any council (or organization) shall cast a vote on any matter in connection with a project in which that member, or any organization with which that member is associated, has a direct interest.

“(2) Consistent with procedures established by the eligible applicant in accordance with regulations which the Secretary shall prescribe, the eligible applicant shall not disapprove a project application submitted by a project applicant unless it has first considered any comments and recommendations made by the appropriate council (or organization) and unless it has provided such applicant and council (or organization) with a written statement of its reasons for such disapproval.

“APPROVAL OF AGREEMENTS

29 USC 893f.

“SEC. 337. (a) The Secretary may approve or deny on an individual basis any of the project applications submitted with any proposed agreement.

“(b) No funds shall be made available to any eligible applicant except pursuant to an agreement entered into between the Secretary and the eligible applicant which provides assurances satisfactory to the Secretary that—

“(1) the standards set forth in subpart 4 of this part will be satisfied;

“(2) projects will be conducted in such manner as to permit eligible youths employed in the project who are in school to coordinate their jobs with classroom instruction and, to the extent feasible, to permit such eligible youths to receive credit from the appropriate educational agency, postsecondary institution, or particular school involved; and

“(3) meet such other assurances, arrangements, and conditions as the Secretary deems appropriate to carry out the purposes of this subpart.

“WORK LIMITATION

“SEC. 338. No eligible youth shall be employed for more than twelve months in work financed under this subpart, except as prescribed by the Secretary. 29 USC 893g.

“SUBPART 3—YOUTH EMPLOYMENT AND TRAINING PROGRAMS

“STATEMENT OF PURPOSE

“SEC. 341. It is the purpose of this subpart to establish programs designed to make a significant long-term impact on the structural unemployment problems of youth, supplementary to but not replacing programs and activities available under title I of this Act, to enhance the job prospects and career opportunities of young persons, including employment, community service opportunities, and such training and supportive services as are necessary to enable participants to secure suitable and appropriate unsubsidized employment in the public and private sectors of the economy. To the maximum extent feasible, training and employment opportunities afforded under this subpart will be interrelated and mutually reinforcing so as to achieve the goal of enhancing the job prospects and career opportunities of youths served under this subpart. 29 USC 894.
29 USC 811.

“PROGRAMS AUTHORIZED

“SEC. 342. (a) The Secretary is authorized to provide financial assistance to enable eligible applicants to provide employment opportunities and appropriate training and supportive services for eligible participants including but not limited to— 29 USC 894a.

“(1) useful work experience opportunities in a wide range of community betterment activities such as rehabilitation of public properties, assistance in the weatherization of homes occupied by low-income families, demonstrations of energy-conserving measures including solar energy techniques (especially those utilizing materials and supplies available without cost), park establishment and upgrading, neighborhood revitalization, conservation and improvements, and related activities;

Community betterment activities.

“(2) productive employment and work experience in fields such as education, health care, neighborhood transportation services, crime prevention and control, environmental quality control, preservation of historic sites, and maintenance of visitor facilities;

“(3) appropriate training and services to support the purpose of this subpart, including but not limited to—

“(A) outreach, assessment, and orientation;

“(B) counseling, including occupational information and career counseling;

“(C) activities promoting education to work transition;

“(D) development of information concerning the labor market, and provision of occupational, educational, and training information;

“(E) services to youth to help them obtain and retain employment;

“(F) literacy training and bilingual training;

“(G) attainment of certificates of high school equivalency;

“(H) job sampling, including vocational exploration in the public and private sector;

“(I) institutional and on-the-job training, including development of basic skills and job skills;

“(J) transportation assistance;

“(K) child care and other necessary supportive services;

“(L) job restructuring to make jobs more responsive to the objectives of this subpart, including assistance to employers in developing job ladders or new job opportunities for youths, in order to improve work relationships between employers and youths;

“(M) community-based central intake and information services for youth;

“(N) job development, direct placement, and placement assistance to secure unsubsidized employment opportunities for youth to the maximum extent feasible, and referral to employability development programs;

“(O) programs to overcome sex-stereotyping in job development and placement; and

“(P) programs and outreach mechanisms to increase the labor force participation rate among minorities and women.

Contracts.

29 USC 981.

29 USC 811.

“(b) In order to carry out this subpart, a Governor or a prime sponsor may enter into contracts with project applicants (as defined in section 701(a)(15)) or employers organized for profit but payments to such employers shall not exceed the amounts permitted under section 101(5), or may operate programs directly if, after consultation with community-based organizations and nonprofit groups, a Governor or prime sponsor determines that such direct operation will promote the purposes of this subpart.

“ALLOCATION OF FUNDS

29 USC 894b.

Prime sponsors.

“SEC. 343. (a) From the sums available for this subpart—

“(1) an amount equal to 75 percent of such funds shall be made available to prime sponsors for programs authorized under section 342 of this Act;

Statewide youth services.

“(2) an amount equal to 5 percent of the amount available for this part shall be made available to Governors for special statewide youth services under subsection (c) of this section;

Native American eligible youth.

“(3) an amount equal to not less than 2 percent of the amount available for this part shall be made available for employment and training programs for Native American eligible youths (deducting such amounts as are made available for such purposes under section 333(b) of this Act);

Migrant and seasonal farmworker families, eligible youth.

“(4) an amount equal to not less than 2 percent of the amount available for this part shall be made available for employment and training programs for eligible youths in migrant and seasonal farmworker families (deducting such amounts as are made available for such purposes under section 333(b) of this Act); and

“(5) the remainder of the funds available for this subpart shall be available for the Secretary’s discretionary projects authorized under section 348.

“(b) (1) Amounts available for each of the purposes set forth in paragraphs (1) and (2) of subsection (a) shall be allocated among the States in such a manner that— **State allocations.**

“(A) 37.5 percent thereof shall be allocated in accordance with the relative number of unemployed persons within each State as compared to the total number of such unemployed persons in all States;

“(B) 37.5 percent thereof shall be allocated in accordance with the relative number of unemployed persons residing in areas of substantial unemployment (as defined in section 204(c) of this Act) within each State as compared to the total number of unemployed persons residing in all such areas in all States; and **29 USC 844.**

“(C) 25 percent thereof shall be allocated in accordance with the relative number of persons in families with an annual income below the low-income level (as defined in section 701(a)(4) of this Act) within each State as compared to the total number of such persons in all States. **29 USC 981.**

“(2) In determining allocations under this subsection, the Secretary shall use what the Secretary determines to be the best available data.

“(3) Amounts available to prime sponsors under paragraph (1) of subsection (a) of this section shall, out of the total amounts allocated to each State under such paragraph, be allocated by the Secretary among prime sponsors within each State, in accordance with the factors set forth in paragraph (1) of this subsection.

“(c) The amount available to the Governor of each State under paragraph (2) of subsection (a) of this section shall be used in accordance with a special statewide youth services plan, approved by the Secretary, for such purposes as— **Statewide youth services plans.**

“(1) providing financial assistance for employment and training opportunities for eligible youths who are under the supervision of the State;

“(2) providing labor market and occupational information to prime sponsors and local educational agencies, without reimbursement;

“(3) providing for the establishment of cooperative efforts between State and local institutions, including occupational and career guidance and counseling and placement services for in-school and out-of-school youth;

“(4) providing financial assistance for expanded and experimental programs in apprenticeship trades, or development of new apprenticeship arrangements, in concert with appropriate businesses and labor unions or State apprenticeship councils;

“(5) carrying out special model employment and training programs and related services between appropriate State agencies and prime sponsors in the State, or any combination of such prime sponsors, including subcontractors selected by prime sponsors, with particular emphasis on experimental job training within the private sector.

“(d) (1) Not less than 22 percent of the amount allocated to each prime sponsor under paragraph (1) of subsection (a) of this section shall be used for programs under this subsection.

“(2) The amount available to each prime sponsor under paragraph (1) of this subsection shall be used for programs for in-school youth. **In-school youth.**

carried out pursuant to agreements between prime sponsors and local educational agencies. Each such agreement shall describe in detail the employment opportunities and appropriate training and supportive services which shall be provided to eligible participants who are enrolled or who agree to enroll in a full-time program leading to a secondary school diploma, a junior or community college degree, or a technical or trade school certificate of completion. Each such agreement shall contain provisions to assure that funds received pursuant to the agreement will not supplant State and local funds expended for the same purpose.

Community-
based
organizations.

“(e) Programs receiving assistance under paragraph (1) of subsection (a) of this section shall give special consideration in carrying out programs authorized under section 342 of this Act, to community-based organizations which have demonstrated effectiveness in the delivery of employment and training services, such as the Opportunities Industrialization Centers, the National Urban League, SER-Jobs for Progress, Mainstream, Community Action Agencies, union-related organizations, employer-related nonprofit organizations, and other similar organizations.

“ELIGIBLE APPLICANTS

29 USC 894c.
29 USC 812.
29 USC 872.

“SEC. 344. Eligible applicants for purposes of this subpart, except section 348, are prime sponsors qualified under section 102 of this Act, sponsors of Native American programs qualified under section 302(c) (1) of this Act, and sponsors of migrant and seasonal farmworker programs qualified under section 303 of this Act.

29 USC 873.
29 USC 894d.

“SEC. 345. (a) Eligible participants for programs authorized under this subpart shall be persons who—

“(1) (A) are unemployed or are underemployed or are in school and are ages sixteen to twenty-one, inclusive; or (B) if authorized under such regulations as the Secretary may prescribe, are in school and are ages fourteen to fifteen, inclusive; and

“(2) are not members of households which have current gross family income, adjusted to an annualized basis (exclusive of unemployment compensation and all Federal, State, and local income-tested or needs-tested public payments) at a rate exceeding 85 percent of the lower living standard income level, except that, pursuant to regulations which the Secretary shall prescribe, persons who do not meet the requirements of this subparagraph but who are otherwise eligible under this subpart may participate in appropriate activities of the type authorized under paragraph (3) of section 342(a).

Notwithstanding the provisions of this subsection, 10 percent of the funds available for this subpart may be used for programs which include youths of all economic backgrounds to test the desirability of including youths of all economic backgrounds.

“Lower living
standard income
level.”

“(b) For purposes of this section, the term ‘lower living standard income level’ means that income level (adjusted for regional and metropolitan and urban and rural differences and family size) determined annually by the Secretary based upon the most recent ‘lower living standard budget’ issued by the Bureau of Labor Statistics of the Department of Labor.

“CONDITIONS FOR RECEIPT OF FINANCIAL ASSISTANCE

29 USC 894e.

“SEC. 346. (a) The Secretary shall not provide financial assistance to an eligible applicant for programs authorized under section 342 unless

such eligible applicant provides assurances that the standards set forth in subpart 4 of this part will be met and unless such eligible applicant submits an application in such detail as the Secretary may prescribe. Each such application shall—

“(1) describe the programs, projects or activities to be carried out with such assistance, together with a description of the relationship and coordination of services provided to eligible participants under this subpart for similar services offered by local educational agencies, postsecondary institutions, the public employment service, other youth programs, community-based organizations, businesses and labor organizations consistent with the requirements of sections 105 and 106 of this Act, and assurances that, to the maximum extent feasible, use will be made of any services that are available without reimbursement by the State employment service that will contribute to the achievement of the purposes of this subpart;

29 USC 815,
816.

“(2) include assurances that the application will be coordinated to the maximum extent feasible, with the plans submitted under title I, but services to youth under that title shall not be reduced because of the availability of financial assistance under this subpart;

29 USC 811.

“(3) provide assurances, satisfactory to the Secretary, that in the implementation of programs under this subpart, there will be coordination, to the extent appropriate, with local educational agencies, postsecondary institutions, community-based organizations, businesses, labor organizations, job training programs, other youth programs, the apprenticeship system, and (with respect to the referral of prospective youth participants to the program) the public employment service system;

“(4) provide assurances satisfactory to the Secretary that allowances will be paid in accordance with the provisions of section 111(a) of this Act and such regulations as the Secretary may prescribe for this subpart;

29 USC 821.

“(5) provide assurances that the application will be reviewed by the appropriate prime sponsor planning council in accordance with the provisions of section 104;

29 USC 814.

“(6) provide assurances that a youth council will be established under the planning council of such eligible applicant (established under the section 104 of this Act) in accordance with subsection (b) of this section;

“(7) provide assurances satisfactory to the Secretary that effective means will be provided through which youths participating in the projects, programs, and activities may acquire appropriate job skills and be given necessary basic education and training and that suitable arrangements will be established to document the competencies, including skills, education and training, derived by each participant from programs established under this subpart;

“(8) provide assurances that the eligible applicant will take appropriate steps to develop new job classifications, new occupations, and restructured jobs;

“(9) provide that the funds available under section 343(d) shall be used for programs authorized under section 342 for in-school youth who are eligible participants through arrangements to be carried out by a local educational agency or agencies or postsecondary educational institution or institutions; and

“(10) provide such other information and assurance as the Secretary may deem appropriate to carry out the purposes of this subpart.

Youth councils.

29 USC 814.

“(b) Each youth council established by an eligible applicant shall be responsible for making recommendations to the planning council established under section 104 of this Act with respect to planning and review of activities conducted under this subpart and subpart 2. Each such youth council's membership shall include representation from the local educational agency, local vocational education advisory council, postsecondary educational institutions, business, unions, the public employment service, local government and nongovernment agencies and organizations which are involved in meeting the special needs of youths, the community served by such applicant, the prime sponsor, and youths themselves.

Work experience
for in-school
youth, program
agreements.

“(c) No program of work experience for in-school youth supported under this subpart shall be entered into unless an agreement has been made between the prime sponsor and a local educational agency or agencies, after review by the youth council established under subsection (b) of this section. Each such agreement shall—

“(1) set forth assurances that participating youths will be provided meaningful work experience, which will improve their ability to make career decisions and which will provide them with basic work skills needed for regular employment not subsidized under this in-school program;

“(2) be administered, under contracts with the prime sponsor, by a local educational agency or agencies or a postsecondary educational institution or institutions within the area served by the prime sponsor, and set forth assurances that such contracts have been reviewed by the youth council established under subsection (b) of this section.

“(3) set forth assurances that job information, counseling, guidance, and placement services will be made available to participating youths and that funds provided under this program will be available to, and utilized by, the local educational agency or agencies to the extent necessary to pay the cost of school-based counselors to carry out the provisions of this in-school program;

“(4) set forth assurances that jobs provided under this program will be certified by the participating educational agency or institution as relevant to the educational and career goals of the participating youths;

“(5) set forth assurances that the eligible applicant will advise participating youths of the availability of other employment and training resources provided under this Act, and other resources available in the local community to assist such youths in obtaining employment;

“(6) set forth assurances that youth participants will be chosen from among youths who are eligible participants who need work to remain in school, and shall be selected by the appropriate educational agency or institution, based on the certification for each participating youth by the school-based guidance counselor that the work experience provided is an appropriate component of the overall educational program of each youth.

“REVIEW OF PLANS BY SECRETARY

“SEC. 347. The provisions of sections 108, 109, and 110 of this Act shall apply to all programs and activities authorized under 342.

29 USC 894f.
29 USC
818-820.

“SECRETARY’S DISCRETIONARY PROJECTS

“SEC. 348. (a)(1) The Secretary of Labor is authorized, either directly or by way of contract or other arrangement, with prime sponsors, public agencies and private organizations to carry out innovative and experimental programs to test new approaches for dealing with the unemployment problems of youth and to enable eligible participants to prepare for, enhance their prospects for, or secure employment in occupations through which they may reasonably be expected to advance to productive working lives. Such programs shall include, where appropriate, cooperative arrangements with educational agencies to provide special programs and services for eligible participants enrolled in secondary schools, postsecondary educational institutions and technical and trade schools, including job experience, counseling and guidance prior to the completion of secondary or postsecondary education and making available occupational, educational, and training information through statewide career information systems.

Experimental
programs.
29 USC 894g.

“(2) In carrying out or supporting such programs, the Secretary of Labor shall consult, as appropriate, with the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Secretary of Agriculture, the Director of the ACTION Agency, and the Director of the Community Services Administration.

“(3) Funds available under this section may be transferred to other Federal departments and agencies to carry out functions delegated to them pursuant to agreements with the Secretary.

Funds, transfer.

“(b) The Secretary and prime sponsors, as the case may be, shall give special consideration in carrying out innovative and experimental programs assisted under this section to community-based organizations which have demonstrated effectiveness in the delivery of employment and training services, such as the Opportunities Industrialization Centers, the National Urban League, SER-Jobs for Progress, Mainstream, Community Action Agencies, union-related organizations, employer-related nonprofit organizations, and other similar organizations.

“(c)(1) In carrying out its responsibilities under this subsection and under section 161 of the Vocational Education Act, the National Occupational Information Coordinating Committee shall give special attention to the problems of unemployed youths. The Committee shall also carry out other activities consistent with the purposes of this title, including but not limited to the following:

20 USC 1341.

“(A) assisting and encouraging local areas to adopt methods of translating national aggregate occupational outlook data into local terms;

“(B) Assisting and encouraging the development of State occupational information systems, to be used in the maintenance of local job banks and job vacancy reports, accessible to local schools, and including pilot programs in the use of computers to facilitate such access;

State
occupational
information
systems.

Youth in
correctional
institutions.

Computer on-line
terminal
programs,
technical
assistance.

“(C) in cooperation with State and local correctional agencies, encouraging programs of counseling and employment services for youth in correctional institutions;

“(D) providing technical assistance for programs of computer on-line terminals and other facilities to utilize and implement occupational and career outlook information and projections supplied by State employment service offices and to improve the match of youth career desires with available and anticipated labor demand;

“(E) in cooperation with State and local educational agencies, and other appropriate persons and organizations, encouraging programs to make available employment and career counseling to presecondary youths; and

“(F) providing technical assistance for programs designed to encourage public and private employers to list all available job opportunities for youths with the appropriate eligible applicant conducting occupational information and career counseling programs, local public employment services offices and to encourage cooperation and contact among such eligible applicants, employers and offices.

20 USC 1341. “(2) All funds available to the National Occupational Information Coordinating Committee under this Act and under section 161 of the Vocational Education Act may be used by the Committee to carry out any of its functions and responsibilities authorized by law.

“SUBPART 4—GENERAL PROVISIONS

“AUTHORIZATION OF APPROPRIATIONS; DISTRIBUTION OF FUNDS

29 USC 895.

“SEC. 351. (a) There are authorized to be appropriated for the fiscal year 1978 such sums as may be necessary to carry out the provisions of this part.

“(b) Of the sums available for carrying out the provisions of this part—

“(1) fifteen percent shall be available for subpart 1;

“(2) fifteen percent shall be available for subpart 2; and

“(3) seventy percent shall be available for subpart 3.

“WAGE PROVISIONS

29 USC 895a.

“SEC. 352. Rates of pay under this part shall be no less than the higher of—

29 USC 206.

“(1) the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938, but in the case of an individual who is fourteen or fifteen years old, the wage provided in accordance with the provisions of subsection (b) of section 14 of the Fair Labor Standards Act of 1938;

29 USC 214.

“(2) the State or local minimum wage for the most nearly comparable employment, but in the case of an individual who is 14 or 15 years old the wage provided in accordance with the applicable provisions of the applicable State or local minimum wage law; or

“(3) the prevailing rates of pay, if any, for occupations and job classifications of individuals employed by the same employer, except that—

“(A) whenever the prime sponsor has entered into an agreement with the employer and the labor organization representing employees engaged in similar work in the same area to pay less than the rates provided in this paragraph, youths may be paid the rates specified in such agreement;

“(B) whenever an existing job is reclassified or restructured, youths employed in such jobs shall be paid at rates not less than are provided under paragraph (1) or (2) of this section, but if a labor organization represents employees engaged in similar work in the same area, such youths shall be paid at rates specified in an agreement entered into by the appropriate prime sponsor, the employer, and the labor organization with respect to such reclassified or restructured jobs, and if no agreement is reached within 30 days after the initiation of the agreement procedure referred to in this subparagraph, the labor organization, prime sponsor, or employer may petition the Secretary of Labor who shall establish appropriate wages for the reclassified or restructured positions, taking into account wages paid by the same employer to persons engaged in similar work;

“(C) whenever a new or different job classification or occupation is established and there is no dispute with respect to such new or different job classification or occupation, youths to be employed in such jobs shall be paid at rates not less than are provided in paragraph (1) or (2) of this section, but if there is a dispute with respect to such new or different job classification or occupation, the Secretary of Labor shall, within 30 days after receipt of the notice of protest by the labor organization representing employees engaged in similar work in the same area, make a determination whether such job is a new or different job classification or occupation; and

“(D) in the case of projects to which the provisions of the Davis-Bacon Act (or any Federal law containing labor standards in accordance with the Davis-Bacon Act) otherwise apply, the Secretary is authorized, for projects financed under subparts 2 and 3 of this part under \$5,000, to prescribe rates of pay for youth participants which are not less than the applicable minimum wage but not more than the wage rate of the entering apprentice in the most nearly comparable apprenticeable trade, and to prescribe the appropriate ratio of journeymen to such participating youths.

40 USC 276a
note.

“SPECIAL CONDITIONS

“SEC. 353. (a) The Secretary shall provide financial assistance under this part only if he determines that the activities to be assisted meet the requirements of this section.

Financial
assistance.
29 USC 895b.

“(b) The Secretary shall determine that the activities assisted under this part—

“(1) will result in an increase in employment opportunities over those opportunities which would otherwise be available;

“(2) will not result in the displacement of currently employed workers (including partial displacement such as reduction in the

hours of non-overtime work or wages or employment benefits);

“(3) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

“(4) will not substitute jobs assisted under this part for existing federally assisted jobs;

“(5) will not employ any youth when any other person is on layoff by the employer from the same or any substantially equivalent job in the same area; and

“(6) will not be used to employ any person to fill a job opening created by the act of an employer in laying off or terminating employment of any regular employee, or otherwise reducing the regular work force not supported under this part, in anticipation of filling the vacancy so created by hiring a youth to be supported under this part.

“(c) The jobs in each promotional line will in no way infringe upon the promotional opportunities which would otherwise be available to persons currently employed in public services not subsidized under this Act and no job will be filled in other than an entry level position in each promotional line until applicable personnel procedures and collective bargaining agreements have been complied with.

Notice to labor organizations.

“(d) Where a labor organization represents employees who are engaged in similar work in the same area to that proposed to be performed under the program for which an application is being developed for submission under this part, such organization shall be notified and shall be afforded a reasonable period of time prior to the submission of the application in which to make comments to the applicant and to the Secretary.

“(e) Activities funded under this part shall meet such other standards as the Secretary may deem appropriate to carry out the purposes of this Act.

Full-time employment opportunities.

“(f) Funds under this part shall not be used to provide full-time employment opportunities (1) for any person who has not attained the age with respect to which the requirement of compulsory education ceases to apply under the laws of the State in which such individual resides, except (A) during periods when school is not in session, and (B) where such employment is undertaken in cooperation with school-related programs awarding academic credit for the work experience, or (2) for any person who has not attained a high school degree or its equivalent if it is determined, in accordance with procedures established by the Secretary of Labor, that there is substantial evidence that such person left school in order to participate in any program under this part.

“SPECIAL PROVISIONS FOR SUBPARTS 2 AND 3

Program participation qualifications.
29 USC 895c.

“SEC. 354. (a) Appropriate efforts shall be made to insure that youths participating in programs, projects, and activities under subparts 2 and 3 of this part shall be youths who are experiencing severe handicaps in obtaining employment, including but not limited to those who lack credentials (such as a high school diploma), those who require substantial basic and remedial skill development, those who are women and minorities, those who are veterans of military service, those who

are offenders, those who are handicapped, those with dependents, or those who have otherwise demonstrated special need, as determined by the Secretary.

“(b) The Secretary is authorized to make such reallocation as the Secretary deems appropriate of any amount of any allocation under subparts 2 and 3 of this part to the extent that the Secretary determines that an eligible applicant will not be able to use such amount within a reasonable period of time. Any such amount may be reallocated only if the Secretary has provided thirty days’ advance notice of the proposed reallocation to the eligible applicant and to the Governor of the State of the proposed reallocation, during which period of time the eligible applicant and the Governor may submit comments to the Secretary. After considering any comments submitted during such period of time, the Secretary shall notify the Governor and affected eligible applicants of any decision to reallocate funds, and shall publish any such decision in the Federal Register. Priority shall be given in reallocating such funds to other areas within the same State.

Reallocation of funds.

Publication in Federal Register.

“(c) The provisions of section 605(b) of this Act shall apply to subparts 2 and 3 of this part.

29 USC 965.

“ACADEMIC CREDIT, EDUCATION CREDIT, COUNSELING AND PLACEMENT SERVICES, AND BASIC SKILLS DEVELOPMENT

“SEC. 355. (a) In carrying out this part, appropriate efforts shall be made to encourage the granting by the educational agency or school involved of academic credit to eligible participants who are in school.

29 USC 895d.

“(b) The Secretary, in carrying out the purposes of this part, shall work with the Department of Health, Education, and Welfare to make suitable arrangements with appropriate State and local education officials whereby academic credit may be awarded, consistent with applicable State law, by educational institutions and agencies for competencies derived from work experience obtained through program established under this title.

“(c) All activities assisted under this part, pursuant to such regulations as the Secretary shall prescribe, shall provide appropriate counseling and placement services designed to facilitate the transition of youth from participation in the project to (1) permanent jobs in the public or private sector, or (2) education or training programs.

“DISREGARDING EARNINGS

“SEC. 356. Earnings received by any youth under this part shall be disregarded in determining the eligibility of the youth’s family for, and the amount of, any benefits based on need under any Federal or federally assisted programs.

29 USC 895e.

“RELATION TO OTHER PROVISIONS

“SEC. 357. The provisions of title VII of this Act shall apply to this part, except to the extent that any such provision may be inconsistent with the provisions of this part.”.

29 USC 895f.
29 USC 981.

TITLE III—MISCELLANEOUS PROVISIONS

TRANSITION PROVISIONS

29 USC 993i
note.

Ante, p. 122.

SEC. 301. In order to provide for an orderly transition to youth employment and training activities funded under part C of title III and title VIII of the Comprehensive Employment and Training Act of 1973 (as added by this Act), the Secretary of Labor shall use the funds available from appropriations under the Economic Stimulus Appropriations Act of 1977 for youth employment and training activities, to the maximum extent consistent with law, in such a manner as to be in accordance with the provisions of such part C and such title VIII.

TRANSFER OF FUNDS TO NATIONAL OCCUPATIONAL INFORMATION
COORDINATING COMMITTEE

29 USC 802.

SEC. 302. Section 4 of the Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following new subsection:

“(f) Of the amounts available for the Secretary’s discretionary use under this Act, the Secretary shall transfer an amount which shall be not less than \$3,000,000 and not more than \$5,000,000 for any fiscal year to the National Occupational Information Coordinating Committee established pursuant to section 161(b) of the Vocational Education Act of 1963, for the purposes described in section 348(c)(1) of this Act.”.

20 USC 1341.
Ante, p. 645.

NATIVE AMERICAN PROGRAMS

29 USC 872.

SEC. 303. (a) The heading of section 302 of the Comprehensive Employment Training Act of 1973 is amended to read as follows: “NATIVE AMERICAN EMPLOYMENT AND TRAINING PROGRAMS”.

Hawaiian natives.

(b) Section 302(a) of such Act is amended (1) by striking out the word “and” in clause (1) of such section and inserting in lieu thereof a comma, and (2) by inserting after “native” in such clause (1) a comma and the following: “and Hawaiian native”.

(c) Section 302(b) of such Act is amended by inserting before the semicolon at the end of clause (2) a comma and the following: “and Hawaiian natives”.

(d) The first sentence in section 302(c)(1) of such Act is amended by inserting after “body,” the following: “and such public and private nonprofit agencies as the Secretary determines will best serve Hawaiian natives.”.

29 USC 981.

(e) Section 701(a) of the Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following:

“(16) ‘Hawaiian native’ means any individual any of whose ancestors were natives of the area which consisted of the Hawaiian Islands prior to 1778.”.

WAIVER OF LIMITATION ON FUNDS FOR TITLES III AND IV

Summer youth
employment
programs.
29 USC 802 note.
29 USC 911.

SEC. 304. The limitations of section 4(e) of the Comprehensive Employment and Training Act of 1973 shall not apply to appropriations for summer youth employment programs under section 304(a), part C of title III (as added by this Act), and title IV of such Act for the fiscal year 1978.

SPECIAL VETERANS PROVISIONS

SEC. 305. (a) With respect to programs carried out with funds appropriated after January 1, 1977, for each of the fiscal years 1977 and 1978 under the Comprehensive Employment and Training Act of 1973, as amended, the Secretary of Labor (hereinafter in this section referred to as the "Secretary") shall take appropriate steps to provide for the increased participation in public service employment programs and job training opportunities supported under such Act of qualified disabled veterans (as defined in section 2011(1) of title 38, United States Code) and those qualified Vietnam-era veterans (as defined in section 2011(2)(A) of such title) who are under thirty-five years of age (hereinafter in this section referred to collectively as "eligible veterans"), including, but not limited to—

29 USC 803.

29 USC 801 note.

(1) providing for individual prime sponsors to develop local goals, taking into account the number of qualified eligible veterans and the number of qualified persons in other significant segments of the population in the area served by such sponsors, for the placement of such eligible veterans in job vacancies occurring in such public service employment programs; and

(2) requiring that representatives of appropriate veterans organizations or groups be invited to serve as temporary members of prime sponsors' planning councils (established under section 104 of such Act), the States' Manpower Services Councils (established under section 107(a)(1) of such Act), and the National Commission for Manpower Policy (established under section 502(a) of such Act).

29 USC 814.

29 USC 817.

29 USC 952.

(b)(1) The Secretary shall make available such sums and shall assign such personnel as may be necessary to carry out fully and effectively his responsibilities under subsection (a). The Secretary shall report to the Congress within 60 days of enactment of this Act on the amount so made available and the personnel so assigned.

Report to Congress.

(2) In preparing the regular reports on the client characteristics of participants under the Comprehensive Employment and Training Act of 1973, the Secretary shall take all reasonable precautions to ensure that eligible veterans are not counted more than once.

(c) The Secretary, in carrying out his responsibilities under this section, shall consult with and solicit the cooperation of the Administrator of Veterans' Affairs.

SPECIAL CONSIDERATION

SEC. 306. (a) Section 205 of the Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following new subsection:

Teaching positions.
29 USC 845.

"(d) In filling teaching positions in elementary and secondary schools with financial assistance under this title, each eligible applicant shall give special consideration to unemployed persons with previous teaching experience who are certified by the State in which that applicant is located and who are otherwise eligible under the provisions of this title."

(b) Section 602 of such Act is amended by adding at the end thereof the following new subsection:

29 USC 962.

“(f) In filling teaching positions in elementary and secondary schools with financial assistance under this title, each eligible applicant shall give special consideration to unemployed persons with previous teaching experience who are certified by the State in which that applicant is located and who are otherwise eligible under the provisions of this title.”.

CLARIFYING AMENDMENT

29 USC 968. SEC. 307. Clause (A) of section 608(a)(1) of the Comprehensive Employment and Training Act of 1973 is amended to read as follows:
“(A) who has been eligible for unemployment compensation benefits for fifteen or more weeks;”.

Approved August 5, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-314 (Comm. on Education and Labor) and No. 95-456 (Comm. of Conference).

SENATE REPORT No. 95-173 accompanying S. 1242 (Comm. on Human Resources).
CONGRESSIONAL RECORD, Vol. 123 (1977):

May 17, considered and passed House.

May 25, 26, considered and passed Senate, amended, in lieu of S. 1242.

July 19, House agreed to conference report.

July 21, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 32:

Aug. 5, Presidential statement.

Public Law 95-94
95th Congress

An Act

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 1978, and for other purposes.

Aug. 5, 1977

[H.R. 7932]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1978, and for other purposes, namely:

Legislative
Branch
Appropriation
Act, 1978.

TITLE I—CONGRESSIONAL OPERATIONS

Congressional
Operations
Appropriation
Act, 1978.

SENATE

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS
AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE LEADERS,
AND WHIPS OF THE SENATE

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS

2 USC 60a note.

For compensation and mileage of the Vice President and Senators of the United States, \$6,474,300.

For an additional amount for "Compensation and Mileage of the Vice President and Senators" fiscal year 1977, \$828,400, to be derived by transfer from unobligated balances of any appropriation under the heading "Senate" for fiscal year 1977.

EXPENSE ALLOWANCES OF THE VICE PRESIDENT, MAJORITY AND MINORITY
LEADERS AND MAJORITY AND MINORITY WHIPS

For expense allowances of the Vice President, \$10,000; Majority Leader of the Senate, \$5,000; Minority Leader of the Senate, \$5,000; Majority Whip of the Senate, \$2,500; and Minority Whip of the Senate, \$2,500; in all, \$25,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, \$687,500.

OFFICE OF THE PRESIDENT PRO TEMPORE

For Office of the President Pro Tempore, \$111,100.

OFFICE OF THE DEPUTY PRESIDENT PRO TEMPORE

For Office of the Deputy President Pro Tempore, \$111,100.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, \$383,400.

FLOOR ASSISTANTS TO THE MAJORITY AND MINORITY LEADERS

For Floor Assistants to the Majority and Minority Leaders, \$102,900.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, \$222,200.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$127,300.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, \$36,800.

OFFICE OF THE SECRETARY

2 USC 61b-1a.

For Office of the Secretary, \$3,205,200, including \$168,183 required for the purpose specified and authorized by section 74(b) of title 2, United States Code: *Provided*, That, effective October 1, 1977, the Secretary may appoint and fix the compensation of a Third Assistant Parliamentarian at not to exceed \$28,056 per annum in lieu of not to exceed \$25,718 per annum; a Registrar at not to exceed \$19,873 per annum in lieu of not to exceed \$17,034 per annum; an Assistant Superintendent, Document Room, at not to exceed \$26,553 per annum in lieu of not to exceed \$23,380 per annum; a First Assistant, Document Room, at not to exceed \$19,873 per annum in lieu of not to exceed \$17,034 per annum; a Second Assistant, Document Room, at not to exceed \$19,205 per annum in lieu of not to exceed \$16,366 per annum; a Chief Indexer at not to exceed \$22,044 per annum in lieu of not to exceed \$20,040 per annum; a Secretary in the Library at not to exceed \$15,698 per annum in lieu of not to exceed \$13,694 per annum; an Historian at not to exceed \$33,734 per annum in lieu of not to exceed \$31,730 per annum; an Associate Historian at not to exceed \$22,044 per annum in lieu of not to exceed \$19,038 per annum; a Research Assistant to Historian at not to exceed \$13,694 per annum in lieu of not to exceed \$10,855 per annum; a Secretary to Historian at not to exceed \$13,026 per annum in lieu of not to exceed \$11,690 per annum; a Chief Documents Specialist at not to exceed \$27,555 per annum in lieu of a Special Assistant at not to exceed \$24,382 per annum; an Assistant, Digest, at not to exceed \$20,040 per annum in lieu of a Clerk at not to exceed \$17,368 per annum; an Assistant Bookkeeper, Stationery Room, at not to exceed \$14,696 per annum, and four Clerks at not to exceed \$13,694 per annum each, in lieu of five Clerks at not to exceed \$13,694 per annum each; an Assistant at not to exceed \$12,358 per annum in lieu of a Chief Messenger in Document Room at not to exceed \$12,358 per annum; an Assistant at not to exceed \$11,690 per annum in lieu of a Custodial Assistant at not to exceed \$11,690 per annum; a Documents Specialist at not to exceed \$16,032 per annum, and five Assistants in Document Room at not to exceed \$13,694 per annum each, in lieu of six Assistants in Document Room at not to

exceed \$13,694 per annum each; a Custodian at not to exceed \$13,694 per annum, a Messenger at not to exceed \$13,026 per annum, two Assistants at not to exceed \$11,356 per annum each, and five Messengers at not to exceed \$11,356 per annum each, in lieu of nine Messengers at not to exceed \$11,356 per annum each; two Messengers at not to exceed \$11,022 per annum each in lieu of two Assistant Messengers at not to exceed \$11,022 per annum each; a Lobby Registrar, Public Records Office, at not to exceed \$17,034 per annum in lieu of a Secretary, Public Records Office, at not to exceed \$17,034 per annum; a Chief Technical Assistant, Public Records Office, at not to exceed \$13,694 per annum and four Technical Assistants, Public Records Office, at not to exceed \$13,694 per annum each, in lieu of five Technical Assistants, Public Records Office, at not to exceed \$13,694 per annum each; seven Reference Assistants at not to exceed \$13,694 per annum each in lieu of five Reference Assistants at not to exceed \$13,694 per annum each; an Administrative Director at not to exceed \$35,738 per annum; a Secretary at not to exceed \$20,040 per annum; a Special Deputy to Federal Election Commission at not to exceed \$49,933 per annum; and the positions of a Chief Auditor, Public Records Office, at not to exceed \$17,034 per annum, an Auditor, Public Records Office, at not to exceed \$17,034 per annum, and a Secretary, Public Records Office, at not to exceed \$14,028 per annum, are hereby abolished.

COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees and the Select Committee on Small Business, \$9,284,700.

CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$317,850 for each such committee; in all, \$635,700.

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistance to Senators, \$48,200,900.

LEGISLATIVE ASSISTANCE TO SENATORS

For legislative assistance to Senators, \$8,000,000.

For an additional amount for "Legislative assistance to Senators", fiscal year 1977, \$1,100,000.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, \$16,681,000: *Provided*, That, effective October 1, 1977, the Sergeant at Arms and Doorkeeper may appoint and fix the compensation of an Assistant Chief Clerk at not to exceed \$18,036 per annum in lieu of a Clerk at not to exceed \$18,036 per annum; a Clerk at not to exceed \$17,034 per annum in lieu of a Chief Clerk, Deputy Sergeant at Arms, at not to exceed \$17,034 per annum; four Clerks at not to exceed \$12,024 per annum each, in lieu of three Clerks at not to exceed \$12,024 per annum each and an Assistant Chief Clerk, Deputy Sergeant at Arms, at not to exceed \$12,024 per annum; five Clerks at not to exceed \$11,022 per annum each and eighteen Telephone Operators at not

to exceed \$11,022 per annum each, in lieu of four Clerks at not to exceed \$11,022 per annum each and nineteen Telephone Operators at not to exceed \$11,022 per annum each; a Clerk at not to exceed \$10,688 per annum in lieu of a File Clerk at not to exceed \$10,688 per annum; six Messengers at not to exceed \$11,022 per annum each, in lieu of four Messengers at not to exceed \$11,022 per annum each and two Messengers for Service to Press Correspondents at not to exceed \$10,020 per annum each; two Parking Attendant Supervisors at not to exceed \$10,020 per annum each; fourteen Parking Attendants at not to exceed \$4,175 per annum each; a Superintendent of Press Gallery at not to exceed \$34,903 per annum in lieu of not to exceed \$31,730 per annum; a First Assistant Superintendent of Press Gallery at not to exceed \$31,229 per annum in lieu of not to exceed \$28,390 per annum; a Second Assistant Superintendent of Press Gallery at not to exceed \$24,215 per annum in lieu of not to exceed \$22,044 per annum; a Third Assistant Superintendent of Press Gallery at not to exceed \$21,376 per annum in lieu of not to exceed \$19,372 per annum; a Fourth Assistant Superintendent of Press Gallery at not to exceed \$16,867 per annum in lieu of not to exceed \$15,364 per annum; a Secretary, Press Gallery, at not to exceed \$15,364 per annum in lieu of not to exceed \$14,028 per annum; a Superintendent of Radio Press Gallery at not to exceed \$34,903 per annum in lieu of not to exceed \$31,730 per annum; a First Assistant Superintendent in Radio Press Gallery at not to exceed \$31,229 per annum in lieu of not to exceed \$28,390 per annum; a Second Assistant Superintendent in Radio Press Gallery at not to exceed \$24,215 per annum in lieu of not to exceed \$22,044 per annum; a Third Assistant Superintendent in Radio Press Gallery at not to exceed \$21,376 per annum in lieu of not to exceed \$19,372 per annum; a Superintendent, Periodical Press Gallery, at not to exceed \$31,229 per annum in lieu of not to exceed \$28,390 per annum; an Assistant Superintendent, Periodical Press Gallery, at not to exceed \$21,376 per annum in lieu of not to exceed \$19,372 per annum; a Superintendent, Press Photographers' Gallery, at not to exceed \$31,229 per annum in lieu of not to exceed \$28,390 per annum; an Assistant Superintendent, Press Photographers' Gallery, at not to exceed \$21,376 per annum in lieu of not to exceed \$19,372 per annum; a Chief Audio Engineer at not to exceed \$26,720 per annum in lieu of not to exceed \$24,716 per annum; a Video Technician at not to exceed \$20,875 per annum in lieu of not to exceed \$19,038 per annum; an Appointment Secretary at not to exceed \$15,030 per annum in lieu of not to exceed \$13,694 per annum; a Secretary at not to exceed \$13,026 per annum and a Secretary at not to exceed \$12,024 per annum in lieu of two Secretaries at not to exceed \$12,024 per annum each; a Chief Cabinetmaker at not to exceed \$25,718 per annum in lieu of not to exceed \$24,215 per annum; an Assistant Chief Cabinetmaker at not to exceed \$22,211 per annum in lieu of not to exceed \$20,708 per annum; two Cabinetmakers at not to exceed \$17,201 per annum each in lieu of not to exceed \$15,698 per annum each; a Cabinetmaker at not to exceed \$15,865 per annum in lieu of not to exceed \$14,362 per annum; a Finisher at not to exceed \$17,201 per annum in lieu of not to exceed \$15,698 per annum; an Upholsterer at not to exceed \$17,201 per annum in lieu of not to exceed \$15,698 per annum; a Telecommunications Director at not to exceed \$31,730 per annum in lieu of a Telecommunications Advisor at not to exceed \$31,730 per annum; an Assistant Telecommunications Director at not to exceed \$23,380 per annum; a Chief Housekeeper at not to

exceed \$12,692 per annum; an Assistant Chief Janitor at not to exceed \$14,696 per annum in lieu of not to exceed \$13,360 per annum; a Clerk at not to exceed \$9,686 per annum, ten Laborers at not to exceed \$10,688 per annum each, and thirty-seven Laborers at not to exceed \$9,686 per annum each, in lieu of forty-eight Laborers at not to exceed \$9,686 per annum each; a Supervisor, Typewriter Repair Section, at not to exceed \$19,873 per annum in lieu of an Automatic Typing Technician at not to exceed \$18,370 per annum; an Assistant Supervisor, Typewriter Repair Section, at not to exceed \$18,203 per annum in lieu of a Repairman at not to exceed \$16,700 per annum; a Purchasing Clerk at not to exceed \$13,026 per annum and an Assistant Supervisor, Cheshire Section, at not to exceed \$16,032 per annum in lieu of two Senior Addressograph Operators at not to exceed \$13,026 per annum each; an Assistant Night Supervisor, Cheshire Section, at not to exceed \$13,694 per annum in lieu of a Senior Addressograph Operator at not to exceed \$12,859 per annum; two Receiving Clerks at not to exceed \$10,688 per annum each and eighteen Laborers, Service Department, at not to exceed \$9,686 per annum each in lieu of twenty Laborers, Service Department, at not to exceed \$9,686 per annum each; a Time and Attendance Clerk at not to exceed \$12,024 per annum and ten Inserting Machine Operators at not to exceed \$11,022 per annum each in lieu of eleven Inserting Machine Operators at not to exceed \$11,022 per annum each; a Night Supervisor, Duplicating Section, at not to exceed \$17,368 per annum in lieu of a Night Foreman, Duplicating Department, at not to exceed \$16,366 per annum; an Assistant Night Supervisor, Duplicating Section, at not to exceed \$16,199 per annum and three Printing Press Operators at not to exceed \$15,364 per annum each in lieu of four Printing Press Operators at not to exceed \$15,364 per annum each; a Photostat Operator at not to exceed \$11,189 per annum in lieu of a Photostat Helper at not to exceed \$10,688 per annum; a Senior Pressman/Repairman at not to exceed \$16,199 per annum in lieu of a Senior Pressman at not to exceed \$15,364 per annum; an Assistant Supervisor, Warehouse, at not to exceed \$12,358 per annum in lieu of a File Clerk at not to exceed \$11,356 per annum; a Supervisor, Warehouse, at not to exceed \$18,036 per annum in lieu of a Foreman of Warehouse, Service Department, at not to exceed \$15,364 per annum; an Assistant Supervisor, Duplicating Section, at not to exceed \$17,368 per annum in lieu of an Assistant Foreman, Duplicating Department, at not to exceed \$16,366 per annum; a Night Supervisor, Cheshire Section, at not to exceed \$14,696 per annum in lieu of a Night Foreman at not to exceed \$12,358 per annum; an Assistant Supervisor, Folding Section, at not to exceed \$16,032 per annum in lieu of an Assistant Chief Machine Operator at not to exceed \$14,696 per annum; a Night Supervisor, Folding Section, at not to exceed \$14,696 per annum in lieu of an Assistant Night Supervisor at not to exceed \$13,360 per annum; an Assistant Night Supervisor, Folding Section, at not to exceed \$13,861 per annum in lieu of an Assistant Night Foreman, Duplicating Department, at not to exceed \$12,024 per annum; a Night Superintendent, Service Department, at not to exceed \$22,211 per annum in lieu of a Night Supervisor, Service Department, at not to exceed \$20,875 per annum; a Mailing Equipment Repairman at not to exceed \$15,364 per annum in lieu of not to exceed \$14,028 per annum; a Secretary to Superintendent, Service Department, at not to exceed \$15,364 per annum in lieu of not to exceed \$14,696 per annum; a Truck Driver at not to exceed \$15,030 per annum in lieu of not to

exceed \$14,028 per annum; an Assistant Truck Driver at not to exceed \$12,692 per annum in lieu of not to exceed \$11,690 per annum; four Warehousemen at not to exceed \$10,688 per annum each in lieu of not to exceed \$10,020 per annum each; an Inventory Clerk at not to exceed \$13,861 per annum; an Assistant Inventory Clerk at not to exceed \$11,022 per annum; an Assistant Night Superintendent at not to exceed \$21,710 per annum; two Photostat Operators at not to exceed \$11,189 per annum each; a Cameraman, Duplicating Section, at not to exceed \$15,364 per annum, in lieu of a Cameraman, Duplicating Department, at not to exceed \$15,364 per annum; four Mail Specialists at not to exceed \$13,861 per annum each in lieu of not to exceed \$12,692 per annum each; seventy Mail Carriers at not to exceed \$8,517 per annum each in lieu of sixty-seven Mail Carriers at not to exceed \$8,517 per annum each; seven Operations Clerks at not to exceed \$12,358 per annum each in lieu of five Operations Clerks at not to exceed \$12,358 per annum each; twelve Lead Operators at not to exceed \$15,364 per annum each in lieu of eight Lead Operators at not to exceed \$15,364 per annum each; a Chief Messenger at not to exceed \$10,688 per annum and fifteen Messengers at not to exceed \$9,686 per annum each in lieu of fourteen Messengers at not to exceed \$9,686 per annum each; four Network Technicians at not to exceed \$21,710 per annum each in lieu of three Network Technicians at not to exceed \$21,710 per annum each; four Training Specialists at not to exceed \$21,376 per annum each in lieu of a Training Specialist at not to exceed \$21,376 per annum; nineteen Office Systems Specialists at not to exceed \$16,366 per annum each in lieu of ten Office Systems Specialists at not to exceed \$16,366 per annum each; two Assistant Tape Librarians at not to exceed \$12,358 per annum each; four Computer Terminal Installers at not to exceed \$9,686 per annum each; a Computer Performance Analyst at not to exceed \$20,541 per annum in lieu of a Hardware Services Supervisor at not to exceed \$18,704 per annum; an Office Supervisor at not to exceed \$18,036 per annum; an Assistant Director, Computer Center, at not to exceed \$33,734 per annum in lieu of a Computer Center Manager at not to exceed \$33,734 per annum; a Programmer Analyst at not to exceed \$24,382 per annum in lieu of a Senior Programmer at not to exceed \$24,382 per annum; a Standards Specialist at not to exceed \$26,887 per annum in lieu of a Programmer at not to exceed \$26,887 per annum; eight Folding Machine Operators at not to exceed \$12,525 per annum each in lieu of not to exceed \$11,690 per annum each; and the position of a Machine Operator at not to exceed \$10,354 per annum, is hereby abolished.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

- 2 USC 61g-5. For offices of the Secretary for the Majority and the Secretary for the Minority, \$390,300: *Provided*, That, effective October 1, 1977, the Secretary for the Majority and the Secretary for the Minority are each authorized to appoint and fix the compensation of such employees as they deem appropriate in lieu of the following positions and such positions are thereby abolished effective October 1, 1977: Assistant Secretary for the Majority at not to exceed \$48,931 per annum; Assistant Secretary for the Minority at not to exceed \$48,931 per annum; Clerk to the Secretary for the Majority at not to exceed \$18,370 per annum; Clerk to the Secretary for the Minority at not to exceed \$18,370 per annum; Chief Telephone Page for the Majority at not to exceed \$20,040 per annum; Chief Telephone Page for the Minority at not to
- 2 USC 61h.
- 2 USC 61h-3.

exceed \$20,040 per annum; Telephone Page for the Majority at not to exceed \$15,364 per annum; Telephone Page for the Minority at not to exceed \$15,364 per annum; Telephone Page for the Majority at not to exceed \$13,694 per annum; Telephone Page for the Minority at not to exceed \$13,694 per annum; and an Assistant for each Secretary, during emergencies at rates of compensation not exceeding, in the aggregate at any time, \$22,712 per annum each, for not more than six months in each fiscal year: *Provided further*, That the gross compensation paid to such employees shall not exceed \$143,200 each fiscal year for each Secretary. 2 USC 61g-3.

AGENCY CONTRIBUTIONS AND LONGEVITY COMPENSATION

For agency contributions for employee benefits and longevity compensation, as authorized by law, \$6,500,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$759,700.

For an additional amount for "Office of the Legislative Counsel of the Senate", fiscal year 1977, \$37,200.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, \$589,250 for each such committee; in all \$1,178,500.

For an additional amount for "Senate Policy Committees", fiscal year 1977, \$96,700.

AUTOMOBILES AND MAINTENANCE

For purchase, lease, exchange, maintenance, and operation of vehicles, one for the Vice President, one for the President pro tempore, one for the Deputy President pro tempore, one for the Majority Leader, one for the Minority Leader, one for the Majority Whip, one for the Minority Whip, for carrying the mails, and for official use of the offices of the Secretary and the Sergeant at Arms and Doorkeeper, \$50,000.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, including \$691,213 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, and Senate Resolution Numbered 140, agreed to May 14, 1975, \$28,441,200. 2 USC 190b.

For an additional amount for "Inquiries and Investigations", fiscal year 1977, \$2,500,000.

FOLDING DOCUMENTS

For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding \$4.27 per hour per person, \$95,400.

MISCELLANEOUS ITEMS

For miscellaneous items, \$21,476,500: *Provided*, That no part of this appropriation shall be used to furnish shaving mugs, hairbrushes and combs, or shipping trunks to a Senator unless such Senator requests such item and pays or agrees to reimburse the cost thereof, as determined by the Sergeant at Arms and Doorkeeper of the Senate, and moneys received in payment or reimbursement for any of such items shall be deposited in the Treasury and shall be credited to this appropriation.

For an additional amount for "Miscellaneous Items", fiscal year 1977, \$4,587,400.

POSTAGE STAMPS

For postage stamps for the offices of the Secretaries for the Majority and Minority, \$420; Chaplain, \$200; and for air mail and special delivery postage for the office of the Secretary, \$3,125; office of the Sergeant at Arms and Doorkeeper, including an additional \$20,000 for the maintenance of a supply of postage stamps in the Senate Post Office, \$20,240; and the President of the Senate, as authorized by law, \$1,215; in all, \$25,200.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, \$4,500, and for committees and officers of the Senate, \$32,800; in all, \$37,300.

ADMINISTRATIVE PROVISIONS

SEC. 101. The unexpended balance of any of the appropriations granted under the heading "Salaries, Officers and Employees" for fiscal year 1977 shall be available to the Secretary of the Senate to pay the increases in the compensation of officers and employees notwithstanding the limitations contained therein.

SEC. 102. Amounts required to be deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund under section 8344 of title 5, United States Code, with respect to any officer or employee of the Senate, including an employee in the office of a Senator, shall be paid from the contingent fund of the Senate during the fiscal year ending September 30, 1978.

Effective date.
2 USC 59c.

SEC. 103. Effective October 1, 1977, the Sergeant at Arms and Doorkeeper of the Senate is authorized to dispose of used or surplus furniture and equipment by trade-in or by sale through the General Services Administration. Receipts from the sale of such furniture and equipment that has been or will be replaced in kind shall be deposited in the United States Treasury for credit to the appropriation for "Miscellaneous Items" under the heading "Contingent Expenses of the Senate". All other receipts from the sale of such furniture and equipment shall be deposited in the United States Treasury as miscellaneous receipts.

Conference on
Senate History.

SEC. 104. The Secretary of the Senate is authorized to convene a Conference on Senate History, to be held in Washington, D.C. during the month of September 1978, and to expend from the contingent fund of the Senate not to exceed \$5,000 for such conference. Such expenditures are authorized for, but not limited to, honorariums (not to exceed \$100 for each speaker), transportation and per diem in lieu of subsistence expenses for guest speakers (other than Members of

Congress and officers and employees of the United States), stationery and printing for programs, registration forms and proceedings, luncheon meetings, reception, and refreshments. The Secretary of the Senate is authorized to establish a reasonable registration fee for participants at the conference and all receipts therefrom shall be deposited in the United States Treasury for credit to the appropriation for fiscal year 1978 for "Miscellaneous Items" under the heading "Contingent Expenses of the Senate" to offset the costs of the luncheon meetings, reception, and refreshments.

SEC. 105. Effective October 1, 1976, the Secretary of the Senate and the Sergeant at Arms and Doorkeeper of the Senate are authorized to expend from the contingent fund of the Senate such sums as may be necessary, not to exceed \$1,000 during any fiscal year, to conduct orientation seminars for new Senators and members of their staffs and similar meetings. Such expenses shall be paid from the contingent fund of the Senate upon vouchers approved by the Secretary of the Senate or Sergeant at Arms and Doorkeeper of the Senate.

Orientation seminars.
Effective date.
2 USC 69a.

SEC. 106. Effective October 1, 1977, the first sentence of section 101 of the Legislative Branch Appropriation Act, 1976 (2 U.S.C. 61a-9a), is amended by striking out "\$5,000" and inserting in lieu thereof "\$5,500".

Effective date.

SEC. 107. (a) Effective October 1, 1977, any of the following items shall be furnished to a Senator only if such Senator requests such item and pays or agrees to reimburse the cost thereof, as determined by the Sergeant at Arms and Doorkeeper of the Senate:

Effective date.

- (1) Shaving mugs.
- (2) Hairbrushes and combs.
- (3) Shipping trunks.

This subsection shall not apply to any item furnished before the effective date and shall not affect the practices existing before such date with respect to any item so furnished.

(b) Moneys received in payment or reimbursement for items enumerated in subsection (a) shall be deposited in the Treasury and shall be credited to the appropriation for "Miscellaneous Items" under "Contingent Expenses of the Senate".

SEC. 108. (a) Section 202(i) of the Federal Legislative Salary Act of 1964 is amended by striking out the last sentence.

2 USC 61a-2.

(b) In computing the length of continuous service for purposes of determining the eligibility of an individual under section 106 of the Legislative Branch Appropriation Act, 1963, by reason of the amendment made by subsection (a), service performed prior to the date of the enactment of this Act may be credited, except that no increase in compensation by reason of such amendment shall take effect for any pay period beginning before October 1, 1977, and no monetary benefit by reason of such amendment shall accrue for any period before such date.

2 USC 61a-2
note.
2 USC 60j and
note.

SEC. 109. Effective January 3, 1977, the amounts paid to the Vice President, the Majority or Minority Leader of the Senate, or the Majority or Minority Whip of the Senate as reimbursement of actual expenses incurred upon certification and documentation pursuant to the third proviso in the paragraph under the heading "EXPENSE ALLOWANCES OF THE VICE PRESIDENT, MAJORITY AND MINORITY LEADERS AND MAJORITY AND MINORITY WHIPS" in the appropriation for the Senate in the Supplemental Appropriations Act, 1977, shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction, under the Internal Revenue Code of 1954.

Effective date.
2 USC 31a-1.

Ante, p. 61.

26 USC 1 *et seq.*

Ante, p. 82.
2 USC 6lh-6.

SEC. 110. (a) Section 101 of the Supplemental Appropriations Act, 1977, is amended—

(1) by striking out “Majority Leader of the Senate and the Minority Leader of the Senate” in the first sentence and inserting in lieu thereof “Majority Leader, Minority Leader, and Secretary of the Senate”; and

(2) by striking out “Majority Leader and the Minority Leader” in the last sentence and inserting in lieu thereof “Majority Leader, Minority Leader, and Secretary of the Senate”.

Effective date.
2 USC 6lh-6
note.
2 USC 61-1 note.

(b) The amendments made by subsection (a) shall take effect on August 1, 1977.

SEC. 111. (a) Except as provided in subsection (b), the aggregate of the gross compensation which may be paid to employees in the office of a Senator during each fiscal year under section 105(d) of the Legislative Branch Appropriation Act, 1968, as amended and modified (2 U.S.C. 61-1(d)), is increased by an amount equal to three times the amount referred to in section 105(e)(1) of such Act, as amended and modified.

(b)(1) In the case of a Senator who is the chairman or ranking minority member of any committee, or of any subcommittee that receives funding to employ staff assistance separately from the funding authority for staff of the full committee, the amount referred to in subsection (a) shall be reduced by the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, for each such committee or subcommittee.

(2) In the case of a Senator who is authorized by a committee, a subcommittee thereof, or the chairman of a committee or subcommittee, as appropriate, to recommend or approve the appointment to the staff of such committee or subcommittee of one or more individuals for the purpose of assisting such Senator solely and directly in his duties as a member of such committee or subcommittee, the amount referred to in subsection (a) shall be reduced, for each such committee or subcommittee, by an amount equal to (A) the aggregate annual gross rates of compensation of all staff employees of that committee or subcommittee (i) whose appointment is made, approved, or recommended and (ii) whose continued employment is not disapproved by such Senator, if such employees are employed for the purpose of assisting such Senator solely and directly in his duties as a member of such committee or subcommittee thereof as the case may be, or (B) the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, whichever is less.

(3) In the case of a Senator who is serving on more than three committees, one of the committees on which he is serving, as selected by him, shall not be taken into account for purposes of paragraphs (1) and (2). Any such Senator shall notify the Secretary of the Senate of the committee selected by him under this paragraph.

2 USC 72a-1e.

(c)(1) A Senator may designate employees in his office to assist him in connection with his membership on committees of the Senate. An employee may be designated with respect to only one committee.

(2) An employee designated by a Senator under this subsection shall be certified by him to the chairman and ranking minority member of the committee with respect to which such designation is made. Such employee shall be accorded all privileges of a professional staff member (whether permanent or investigatory) of such committee including access to all committee sessions and files, except that any such committee may restrict access to its sessions to one staff member per Senator at a time and require, if classified material is being

handled or discussed, that any staff member possess the appropriate security clearance before being allowed access to such material or to discussion of it. Nothing contained in this paragraph shall be construed to prohibit a committee from adopting policies and practices with respect to the application of this subsection which are similar to the policies and practices adopted with respect to the application of section 705(c)(1) of Senate Resolution 4, 95th Congress, and section 106(c)(1) of the Supplemental Appropriations Act, 1977.

Infra.

(3) A Senator shall notify the chairman and ranking minority member of a committee whenever a designation of an employee under this subsection with respect to such committee is terminated.

(d) The second sentence of section 105(d)(2) of the Legislative Branch Appropriation Act, 1968, as amended and modified, is amended—

2 USC 61-1.

(1) by inserting after “(i)” the following: “the salaries of three employees may be fixed at rates of not more than the rate referred to in subsection (e)(1), (ii)”;

(2) by striking out “(ii)” and inserting in lieu thereof “(iii)”.

The amendments made by this subsection shall have no effect on section 6(c) of the Order of the President pro tempore issued on October 8, 1976, under section 4 of the Federal Pay Comparability Act of 1970.

2 USC 61-1 note.

2 USC 60a-1.

(e)(1) Section 106 of the Supplemental Appropriations Act, 1977 (other than subsection (f) thereof) is repealed.

Repeal.
2 USC 72a-1d
and notes.

(2) As an exercise of the rulemaking power of the Senate, section 705 of Senate Resolution 4, 95th Congress (other than subsection (h) thereof) is repealed.

(f) This section, and the amendments made by subsection (d) and the repeals made by subsection (e), shall take effect on October 1, 1977.

Effective date.
2 USC 72a-1e
note.

SEC. 112. (a) Section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following:

“(1) official telegrams and long-distance telephone calls and related services;”

(2) by striking out “and” at the end of paragraph (7) and by striking out paragraph (8) and inserting in lieu thereof the following:

“(8) subject to the provisions of subsection (e), reimbursement of travel expenses incurred by the Senator and employees in his office; and

“(9) reimbursement to each Senator for such other official expenses as the Senator determines are necessary (not including official office expenses incurred in his State, but including actual transportation expenses incurred by the Senator and employees in his office in the performance of official business in the metropolitan area of Washington, District of Columbia, or, in the case of employees assigned to an office of the Senator in his home State, incurred by such employees in the performance of official business in the general vicinity of the office to which assigned), but only to the extent such expenses do not exceed for any calendar year ten percent of the total amount of expenses authorized to be paid to or on behalf of such Senator under this section for such calendar year.”; and

(3) by striking out the last sentence thereof and inserting in lieu thereof the following: “Reimbursement to a Senator and his employees under this section shall be made only upon presentation

of itemized vouchers for expenses incurred and, in the case of expenses reimbursed under paragraph (9), only upon presentation of detailed itemized vouchers for such expenses. The reports of the Secretary of the Senate under section 105 of the Legislative Branch Appropriation Act, 1965 (2 U.S.C. 104a) shall contain a separate section setting forth, in detail, all expenses reimbursed under paragraph (9) to each Senator. No reimbursement shall be made under paragraph (5) or (9) for any expense incurred for entertainment or meals.”

Limitation.
2 USC 58.

(b) Section 506(b)(1) of such Act is amended to read as follows:

“(1) Except as otherwise provided in paragraph (2) of this subsection, the total amount of expenses authorized to be paid to or on behalf of a Senator under this section shall not exceed for calendar year 1977 or any calendar year thereafter an amount equal to one-half of the sum of the amounts authorized to be paid under this section on the day before the date of the enactment of the Legislative Branch Appropriation Act, 1978, to or on behalf of both of the Senators from the State which he represents, increased by an amount equal to ten percent thereof and rounded to the next higher multiple of \$1,000.”

(c) Section 506(e) of such Act is amended to read as follows:

“(e) A Senator and the employees in his office shall be reimbursed under this section only for actual transportation expenses and per diem expenses (but not exceeding actual travel expenses) incurred by the Senator or employee while traveling on official business within the United States. In the case of an employee, reimbursement shall be made only for trips which begin and end in Washington, District of Columbia, or, in the case of an employee assigned to an office of a Senator in the Senator’s home State, on trips which begin and end at the place where such office is located. However, a Senator or an employee in the office of a Senator shall not be reimbursed for any per diem expenses or actual travel expenses (other than actual transportation expenses) for any travel occurring during the sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator is a candidate for public office (within the meaning of section 301(b) of the Federal Election Campaign Act of 1971), unless his candidacy in such election is uncontested. Reimbursement of per diem expenses under this subsection shall be at the rates in effect under section 5702 of title 5, United States Code, for employees of agencies. For purposes of this subsection and subsection (a)(8), an employee in the Office of the Majority Leader, Minority Leader, Majority Whip, or Minority Whip shall be considered to be an employee in the office of the Senator holding such Office.”

2 USC 431.

(d) Section 3(c)(2) under the heading “Administrative Provisions” in the appropriation for the Senate in the Legislative Branch Appropriation Act, 1975 (2 U.S.C. 59(c)(2)) is amended by striking out “\$20,500” and inserting in lieu thereof “\$22,550”, and by striking out “\$500” and inserting in lieu thereof “\$550”.

(e) The seventh paragraph under the heading “Administrative Provisions” in the appropriation for the Senate in the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 68b) is amended by adding at the end thereof the following: “This paragraph shall not apply with respect to per diem or actual travel expenses incurred by Senators and employees in the office of a Senator which are reimbursed under section 506 of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58).”

(f) The amendments made by subsections (a), (c), (d), and (e) shall take effect on the date of the enactment of this Act. The amendment made by subsection (b) shall take effect as of January 1, 1977.

Effective date.
2 USC 58 note.

(g) Effective as of January 1, 1977, the Sergeant at Arms and Doorkeeper of the Senate shall, at the request of a Senator, furnish not more than two Wide Area Telephone Service (WATS) lines to that Senator, the cost of which shall be paid out of the contingent fund of the Senate.

2 USC 58a.

SEC. 113. (a) The Sergeant at Arms of the Senate shall provide for a one-year trial installation of a telecommunication device for use by Senators and members of their staffs to receive communications from deaf persons and persons with speech impairments through the use of a device with keyboard sending capacity.

(b) The printed copy produced by any communication from a deaf person or a person with a speech impairment which is received by the device installed under this section shall be transmitted to the Senator designated in such communication.

(c) The device installed under this section shall have keyboard sending capacity to permit the Senator who receives a communication under subsection (b) to reply to the person sending such communication through the use of such device.

(d) The Sergeant at Arms of the Senate shall establish such procedures as may be necessary to carry out the provisions of this section.

(e) Expenses incurred in carrying out this section shall be paid out of the contingent fund of the Senate upon vouchers approved by the Sergeant at Arms of the Senate.

SEC. 114. Notwithstanding any other provision of law, appropriated funds are available for payment to an individual of pay from more than one position, each of which is in the office of a Senator and the pay for which is disbursed by the Secretary of the Senate, if the aggregate gross pay from those positions does not exceed the amount specified in section 105(d)(2)(ii) of the Legislative Appropriations Act of 1968, as amended and modified.

2 USC 61-1a.

2 USC 61-1.

HOUSE OF REPRESENTATIVES

COMPENSATION AND MILEAGE FOR THE MEMBERS

COMPENSATION OF MEMBERS

For compensation of Members, as authorized by law (wherever used herein the term "Member" shall include Members of the House of Representatives, the Resident Commissioner from Puerto Rico, the Delegate from the District of Columbia, the Delegate from Guam, and the Delegate from the Virgin Islands), \$27,760,400.

"Member."

For an additional amount for "Compensation of Members", fiscal year 1977, \$3,600,000.

MILEAGE OF MEMBERS

For mileage of Members, as authorized by law, \$210,000.

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$2,056,600, including: Office of the Speaker, \$520,400, including \$10,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$369,100, including \$5,000 for official expenses of the Majority Leader; Minority

Floor Leader, \$464,100, including \$5,000 for official expenses of the Minority Leader; Majority Whip, \$399,000, including not to exceed \$49,655 for the Chief Deputy Majority Whip; Minority Whip, \$304,000, including not to exceed \$49,655 for the Chief Deputy Minority Whip.

For an additional amount for "House leadership offices", fiscal year 1977, \$258,200 including: Office of the Speaker, \$16,000; Office of the Majority Floor Leader, \$45,300; Office of the Minority Floor Leader, \$100,700; Office of the Majority Whip, \$75,800; and Office of the Minority Whip, \$20,400.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, \$22,904,250, including: Office of the Clerk, \$5,819,000; Office of the Sergeant at Arms, \$9,352,700; Office of the Doorkeeper, \$3,700,600; Office of the Postmaster, \$1,116,600; including \$19,562 for employment of substitute messengers and extra services of regular employees when required at the salary rate of not to exceed \$10,524 per annum each; Office of the Chaplain, \$22,100; Office of the Parliamentarian, including the Parliamentarian and \$2,000 for preparing the Digest of the Rules, \$197,600; for compiling the precedents of the House of Representatives, \$288,600; Official Reporters of Debates, \$536,300; Official Reporters to Committees, \$619,600; two printing clerks, one for the majority appointed by the Majority Leader and one for the minority appointed by the Minority Leader, \$31,300 to be equally divided; a technical assistant in the Office of the Attending Physician, to be appointed by the Attending Physician subject to the approval of the Speaker, \$28,700; the House Democratic Steering Committee, \$382,000; the House Democratic Caucus, \$73,300; the House Republican Conference, \$455,300; and six minority employees, \$280,550.

For an additional amount for "Salaries, officers and employees", fiscal year 1977, \$751,100, including: Office of the Clerk, \$166,200; Office of the Sergeant at Arms, \$570,000; and six minority employees, \$14,900.

Funds, transfer.

Such amounts as are deemed necessary for the payment of salaries of officers and employees under this head may be transferred between the various offices and activities within this appropriation, "Salaries, officers and employees", upon the approval of the Committee on Appropriations of the House of Representatives.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, \$24,705,000.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, \$2,768,000.

2 USC 72a.

For an additional amount for "Committee on Appropriations (Studies and Investigations)", fiscal year 1977, \$135,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e), of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, \$261,000.

88 Stat. 300.
31 USC 11b,
1303.
88 Stat. 330.

OFFICE OF THE LAW REVISION COUNSEL

For salaries and expenses of the Office of the Law Revision Counsel of the House, \$394,350.

OFFICE OF THE LEGISLATIVE COUNSEL

For salaries and expenses of the Office of the Legislative Counsel of the House, \$1,682,000.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of his official and representative duties, \$107,192,000.

CONTINGENT EXPENSES OF THE HOUSE

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, \$57,185,000, including: Computer and related services for Members, \$3,500,000; constituent communication expenses, \$2,738,400; equipment (purchase, lease, and maintenance), \$6,418,000; official expenses, \$3,073,000; postage stamps for the second session of the Ninety-fifth Congress to be procured and furnished by the Clerk of the House of Representatives (1) to each Representative, the Resident Commissioner of Puerto Rico, and the Delegates from the District of Columbia, Guam, and the Virgin Islands, \$211; (2) to each standing committee of the House of Representatives upon request of the chairman thereof, \$131; (3) to the Speaker, the Majority and Minority Leaders, and the Majority and Minority Whips of the House of Representatives, \$191; and (4) to each of the following officers of the House of Representatives: \$341 for the Clerk of the House, \$251 for the Sergeant at Arms, \$211 for the Doorkeeper, \$171 for the Postmaster, and \$200 for the Chaplain, in all, \$97,700; rental of district office space, \$6,739,280; transportation for Members and staff, \$3,494,000; telegraph and telephone, \$10,812,500; supplies and materials, \$1,712,000; furniture and furnishings, \$2,020,000; reporting hearings for stenographic reports of hearings of committees, including special and select committees, \$1,598,000; salaries authorized by House resolutions, \$2,340,000; Government contributions to employees' life insurance fund, retirement fund, and health benefits fund, \$12,343,000; and miscellaneous items including, but not limited to, purchase, exchange, hire, driving, maintenance, repair, and operation of House motor vehicles, and not to exceed \$15,000 for the purposes authorized by section 1 of House Resolution 348, approved June 29, 1961, as amended by House Resolution 434, Ninety-fourth Congress, \$299,120.

For an additional amount for "Allowances and expenses, supplies and materials", fiscal year 1977, \$50,000.

Funds, transfer.

Such amounts as are deemed necessary for the payment of allowances and expenses under this head may be transferred between the various categories within this appropriation, "Allowances and expenses", upon the approval of the Committee on Appropriations of the House of Representatives.

STATIONERY (REVOLVING FUND)

For a stationery allowance for each Member for the second session of the Ninety-fifth Congress, as authorized by law, \$2,853,500.

SPECIAL AND SELECT COMMITTEES

For salaries and expenses of special and select committees authorized by the House, \$32,700,000.

For an additional amount for "Special and select committees", fiscal year 1977, \$5,700,000.

ADMINISTRATIVE PROVISIONS

2 USC 84a-1.

2 USC 31b-5 and
note.

2 USC 75-1,
76-1, 77a, 282b.

2 USC 41 note,
56 note, 122a
note.
2 USC 74a-3,
74a-4.

2 USC 130 and
note.

2 USC
287-287d.

SEC. 115. The provisions of House Resolution 1495, Ninety-fourth Congress, relating to the salaries of Official Reporters of Debates and Official Reporters to Committees; House Resolution 1576, Ninety-fourth Congress, providing for an additional employee for former Speakers of the House of Representatives; paragraph 29 of House Resolution 5, Ninety-fifth Congress, amending Rule XI 6(c) of the House relating to the pay of committee staffs; House Resolution 8, Ninety-fifth Congress, increasing the basic levels of pay for selected positions in the House of Representatives; House Resolution 119, Ninety-fifth Congress, increasing the basic levels of pay for six minority positions; section 302 of House Resolution 287, Ninety-fifth Congress, relating to official expense allowances of Members; House Resolution 393, Ninety-fifth Congress, relating to additional employees in the Office of the Minority Leader and the Offices of the Majority Whip and the Chief Majority Whip, and additional allowances for the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip; House Resolution 434, Ninety-fifth Congress, relating to expenses of interparliamentary meetings and the reception of heads of states and other foreign dignitaries; and House Resolution 502, Ninety-fifth Congress, relating to the establishment and administration of the Office of the Parliamentarian, shall be the permanent law with respect thereto.

JOINT ITEMS

For joint committees, as follows:

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$1,697,100.

For an additional amount for "Joint Economic Committee", fiscal year 1977, \$53,300.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, \$1,081,000, including \$500,000 for a comprehensive management review and analysis of the Government Printing Office's organization, policies, systems and processes: *Provided*, That effective October 1, 1977, the Joint Committee is authorized (1) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under subsection (i) of section 202 of the Legislative Reorganization Act of 1946, as amended, and (2) with the prior consent of the agency concerned, to use on a reimbursable basis the services of personnel, information, and facilities of any such agency: *Provided further*, That prior to the employment of any consultants or the procurement of services by contract relative to any review and analysis of the operation of the Government Printing Office, the Joint Committee shall consult with the Legislative Branch Appropriations Subcommittees of the House and Senate; and that periodic reports on the progress of any such review and analysis be submitted to the Joint Committee on Printing and the Legislative Branch Appropriations Subcommittees of the House and Senate: *Provided further*, That no part of this appropriation shall be used to prepare a Congressional Directory for the second regular session of the 95th Congress other than a pamphlet supplement to the Congressional Directory for the first session of such Congress.

For an additional amount for "Joint Committee on Printing", fiscal year 1977, \$40,400.

Effective date.
44 USC 103 note.

2 USC 72a.

Reports to
congressional
committees.

Limitation.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$1,948,100.

For an additional amount for "Joint Committee on Taxation", fiscal year 1977, \$172,000.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of \$1,000 per month to the Attending Physician; (2) an allowance of \$200 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of \$200 per month each to not to exceed eight assistants on the basis heretofore provided for such assistance; and (4) \$217,353 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, such amount shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$344,200.

CAPITOL POLICE

GENERAL EXPENSES

For purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including advance payment for travel for training or other purposes, and expenses associated with the relocation of instructor personnel to and from the Federal Law Enforcement Training Center as approved by the Chairman of the Capitol Police Board, and including \$40 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board, \$724,800.

CAPITOL POLICE BOARD

Detailed
personnel.

D.C. Code
9-126a.

55 Stat. 456.
54 Stat. 629.

To enable the Capitol Police Board to provide additional protection for the Capitol Buildings and Grounds, including the Senate and House Office Buildings and the Capitol Power Plant, \$1,572,000. Such sum shall be expended only for payment of salaries and other expenses of personnel detailed from the Metropolitan Police of the District of Columbia, and the Mayor of the District of Columbia is authorized and directed to make such details upon the request of the Board. Personnel so detailed shall, during the period of such detail, serve under the direction and instructions of the Board and are authorized to exercise the same authority as members of such Metropolitan Police and members of the Capitol Police and to perform such other duties as may be assigned by the Board. Reimbursement for salaries and other expenses of such detail personnel shall be made to the Government of the District of Columbia, and any sums so reimbursed shall be credited to the appropriation or appropriations from which such salaries and expenses are payable and shall be available for all the purposes thereof: *Provided*, That any person detailed under the authority of this paragraph or under similar authority in the Legislative Branch Appropriation Act, 1942, and the Second Deficiency Appropriation Act, 1940, from the Metropolitan Police of the District of Columbia shall be deemed a member of such Metropolitan Police during the period or periods of any such detail for all purposes of rank, pay, allowances, privileges, and benefits to the same extent as though such detail had not been made, and at the termination thereof any such person shall have a status with respect to rank, pay, allowances, privileges, and benefits which is not less than the status of such person in such police at the end of such detail: *Provided further*, That the Mayor of the District of Columbia is directed (1) to pay the assistant chief detailed under the authority of this paragraph and serving as Chief of the Capitol Police, the salary of assistant chief plus \$2,000 and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent, (2) to pay the inspector detailed under the authority of this paragraph the salary of inspector and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent, (3) to pay the two lieutenants detailed under the authority of this paragraph the salary of lieutenant and such increases in basic compensation as may be subsequently provided by law so long as these positions are held by the present incumbents, (4) to pay the three detective sergeants detailed under the authority of this paragraph the salary of detective sergeant and such increases in basic compensation as may be subsequently provided by

law so long as these positions are held by the present incumbents, and (5) to pay the three sergeants of the uniform force detailed under the authority of this paragraph the salary of sergeant and such increases in basic compensation as may be subsequently provided by law so long as these positions are held by the present incumbents.

No part of any appropriation contained in this Act shall be paid as compensation to any person appointed after June 30, 1935, as an officer or member of the Capitol Police who does not meet the standards to be prescribed for such appointees by the Capitol Police Board: *Provided*, That the Capitol Police Board is hereby authorized to detail police from the House Office, Senate Office, and Capitol Buildings for police duty on the Capitol Grounds and on the Library of Congress Grounds.

Limitation.

EDUCATION OF PAGES

For education of congressional pages and pages of the Supreme Court, pursuant to part 9 of title IV of the Legislative Reorganization Act, 1970, and section 243 of the Legislative Reorganization Act, 1946, \$193,700, which amount shall be advanced and credited to the applicable appropriation of the District of Columbia, and the Board of Education of the District of Columbia is hereby authorized to employ such personnel for the education of pages as may be required and to pay compensation for such services in accordance with such rates of compensation as the Board of Education may prescribe.

2 USC 88b-1 and
note, 40
USC 184a.
2 USC 88a.
D.C. Code
31-121.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs pursuant to title 39, U.S.C., section 3216, \$48,926,000, to be available immediately on enactment of this Act.

The foregoing amounts under "other joint items" shall be disbursed by the Clerk of the House.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, \$403,700, to be disbursed by the Secretary of the Senate: *Provided*, That, effective October 1, 1977, section 441(c)(2) of the Legislative Reorganization Act of 1970 (40 U.S.C. 851(c)(2)) is amended by striking out "a Chief Guide and an Assistant Chief Guide" and inserting in lieu thereof "a Chief Guide, a Deputy Chief Guide, and an Assistant Chief Guide": *Provided further*, That none of these funds shall be used to employ more than twenty-eight individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each for the Capitol Guide Service.

Limitation.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the first session of the Ninety-fifth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills as required by law, \$13,000, to be paid to the persons designated by the chairman of such committees to supervise the work.

Contracts.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

2 USC 471 note. For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including rental of space in the District of Columbia, \$7,400,000: *Provided*, That the appropriation under this head for the fiscal year 1977 (Public Law 94-440) is hereby amended by adding after the amount “\$6,624,000” a comma and the words “of which \$900,000 shall remain available until expended”: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 130 staff employees, except that any reduction in total employment necessary to meet this limitation on employment is to be accomplished by attrition: *And provided further*, That this limitation shall not prevent staff appointments necessary to maintain an operating balance between professional staff skills and support staff or prevent the position of Director or Deputy Director from being filled should it become vacant.

90 Stat. 1452.

Limitation.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

31 USC 1301 note. For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), \$10,400,000: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 208 staff employees.

Limitation.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; the Executive Assistant; and other personal services; at rates of pay provided by law, \$2,002,800.

Limitation. Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of \$20,000.

40 USC 166a. For an additional amount for “Office of the Architect of the Capitol, salaries”, fiscal year 1977, \$27,400.

CONTINGENT EXPENSES

Studies. To enable the Architect of the Capitol to make surveys and studies, to incur expenses authorized by the Act of December 13, 1973 (87 Stat. 704), and to meet unforeseen expenses in connection with activities under his care, \$120,000.

40 USC 166d.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; security installations authorized by House Concurrent Resolution 550, Ninety-second Congress, agreed to September 19, 1972, the cost limitation of which is hereby further increased by \$24,000; furnishings and office equipment; special and protective clothing for workmen; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902); personal and other services; cleaning and repairing works of art and prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes, as amended; preservation of historic drawings through use of document conservation laboratory facilities of the Library of Congress on a reimbursable basis; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase of necessary reference books and periodicals; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, \$5,516,000, of which \$57,500 shall remain available until expended: *Provided*, That the appropriation under this head for the fiscal year 1977 (Public Law 94-440) is hereby amended by adding at the end of the first paragraph a comma and the words "of which \$500,000 shall remain available until expended".

41 USC 5.

90 Stat. 1453.

CAPITOL GROUNDS

For care and improvement of grounds surrounding the Capitol, the Senate and House Office Buildings, and the Capitol Power Plant; personal and other services; care of trees; planting; fertilizer; repairs to pavements, walks, and roadways; waterproof wearing apparel; maintenance of signal lights; and for snow removal by hire of men and equipment or under contract without regard to section 3709 of the Revised Statutes, as amended, \$1,919,500.

41 USC 5.

SENATE OFFICE BUILDINGS

For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel, and for personal and other services; for the care and operation of the Senate Office Buildings; including the subway and subway transportation systems connecting the Senate Office Buildings with the Capitol; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes as amended; to be expended under the control and supervision of the Architect of the Capitol in all \$9,102,000, of which \$200,000 shall remain available until expended: *Provided*, That the appropriation under this head for the fiscal year 1977 (Public Law 94-440) is hereby amended by striking out the amount "\$980,000" in the first paragraph and inserting in lieu thereof the amount "\$1,208,000": *Provided further*, That effective as of the beginning of the first

90 Stat. 1453.

applicable pay period which begins on or after the date of enactment hereof and thereafter, so long as the position is held by the present incumbent, the per annum gross rate of compensation of the position of Assistant Superintendent, Senate Office Buildings, under the Architect of the Capitol, shall be fixed by the Architect, without regard to Chapter 51 and Subchapters III and IV of Chapter 53 of Title 5, United States Code, at an annual rate of \$42,000, and shall thereafter be adjusted in accordance with the provisions of section 5307 of Title 5, United States Code.

For an additional amount for "Senate Office Buildings", fiscal year 1977, \$380,000, for preliminary planning for modifications and alterations to the Russell and Dirksen Buildings, to remain available until September 30, 1979.

SENATE GARAGE

For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, \$153,500.

HOUSE OFFICE BUILDINGS

For maintenance, including equipment; waterproof wearing apparel; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902); prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes, as amended; miscellaneous items; and for all necessary services, including the position of Superintendent of Garages as authorized by law, \$18,176,900, of which \$4,875,000 shall remain available until expended.

CAPITOL POWER PLANT

For lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and the grounds about the same, Botanic Garden, Senate garage, and for air-conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office, Washington City Post Office, and Folger Shakespeare Library, reimbursement for which shall be made and covered into the Treasury; personal and other services, fuel, oil, materials, waterproof wearing apparel, and all other necessary expenses in connection with the maintenance and operation of the plant, \$12,317,000: *Provided*, That the appropriation under this head for the fiscal year 1977 (Public Law 94-440) is hereby amended by adding after the amount "\$11,172,000" a comma and the words "of which \$24,000 shall remain available until expended".

90 Stat. 1454.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended by section 321 of the Legislative Reorganization Act of 1970 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$21,795,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of

Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration.

For an additional amount for "Congressional Research Service, salaries and expenses", fiscal year 1977, \$259,000, of which \$127,000 shall be derived by transfer from the appropriation "Copyright Office, salaries and expenses".

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); and printing and binding of Government publications authorized by law to be distributed to Members of Congress, \$71,674,000: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture): *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That no part of this appropriation shall be used to print a Congressional Directory for the second regular session of the 95th Congress other than a pamphlet supplement to the Congressional Directory for the first session of such Congress.

This title may be cited as the "Congressional Operations Appropriation Act, 1978".

Citation of title.

TITLE II—RELATED AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses incident to maintaining, operating, repairing, and improving the Botanic Garden and the nurseries, buildings, grounds, collections, and equipment pertaining thereto, including personal services; waterproof wearing apparel; emergency medical supplies; traveling expenses, including bus fares, not to exceed \$275; the prevention and eradication of insect and other pests and plant diseases by purchase of materials and procurement of personal services by contract without regard to the provisions of any other Act; purchase and exchange of motor trucks; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; purchase of botanical books, periodicals, and books of reference; all under the direction of the Joint Committee on the Library, \$1,283,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody, care, and maintenance of the Library Buildings; special clothing; cleaning, laundering, and repair of uniforms; pres-

ervation of motion pictures in the custody of the Library; for the National Program for Acquisition and Cataloging of Library material; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog cards and other publications of the Library; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$81,295,000, of which \$4,026,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other material including subscriptions for bibliographic services for the Library and the law library, including \$40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided*, That not to exceed \$6,500,000 of the funds credited to this appropriation during fiscal year 1978 under the Act of June 28, 1902 (2 U.S.C. 150) shall be available for obligation during such fiscal year.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, \$7,945,500: *Provided*, That not to exceed \$3,000,000 of the funds credited to this appropriation during fiscal year 1978 under section 203 of Title 17, United States Code (as in effect prior to January 1, 1978), and under section 708(c) of such title (as in effect on and after January 1, 1978) shall be available for obligation during such fiscal year.

NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

SALARIES AND EXPENSES

For necessary expenses of the National Commission on New Technological Uses of Copyrighted Works, \$520,500: *Provided*, That \$272,000 of this appropriation shall be available only upon enactment into law of H.R. 4836 or equivalent legislation.

Post, p. 1226.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931 (2 U.S.C. 135a), as amended, \$28,720,700.

COLLECTION AND DISTRIBUTION OF LIBRARY MATERIALS (SPECIAL FOREIGN CURRENCY PROGRAM)

For necessary expenses for carrying out the provisions of section 104(b) (5) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), to remain available until expended, \$3,441,200, of which \$3,184,600 shall be available only for payments in any foreign currencies owed to or owned by the United States which the Treasury Department shall determine to be excess to the normal requirements of the United States.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, and purchase of a medium sedan for replacement, \$7,030,700, of which \$6,214,000 shall be available until expended only for the purchase and supply of furniture, book stacks, shelving, furnishings, and related costs necessary for the initial outfitting of the James Madison Memorial Library Building.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress for salaries shall be available for expenses of personnel security and suitability investigations of Library employees; special and temporary services (including employees engaged by day or hour or in piecework); and services as authorized by 5 U.S.C. 3109.

Library of Congress.

SEC. 202. Not to exceed fifteen positions in the Library of Congress may be exempt from the provisions of appropriation acts concerning the employment of aliens during the current fiscal year, but the Librarian shall not make any appointment to any such position until he has ascertained that he cannot secure for such appointments a person in any of the categories specified in such provisions who possesses the special qualifications for the particular position and also otherwise meets the general requirements for employment in the Library of Congress.

Aliens,
employment.
2 USC 169.

SEC. 203. Funds available to the Library of Congress may be expended to reimburse the Department of State for medical services rendered to employees of the Library of Congress stationed abroad and for contracting on behalf of and hiring alien employees for the Library of Congress under compensation plans comparable to those authorized by section 444 of the Foreign Service Act of 1946, as amended (22 U.S.C. 889(a)); for purchase or hire of passenger motor vehicles; for payment of travel, storage and transportation of household goods, and transportation and per diem expenses for families enroute (not to exceed twenty-four); for benefits comparable to those payable under sections 911(9), 911(11), and 941 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1136(9), 1136(11), and 1156, respectively); and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (Public Law 87-195, 22 U.S.C. 2396(b)); subject to such rules and regulations as may be issued by the Librarian of Congress.

2 USC 143a.

SEC. 204. Payments in advance for subscriptions or other charges for bibliographical data, publications, materials in any other form, and services may be made by the Librarian of Congress whenever he determines it to be more prompt, efficient, or economical to do so in the interest of carrying out required Library programs.

Advance
payment.

SEC. 205. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed \$99,600, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 206. Funds available to the Library of Congress may be expended to provide additional parking facilities for Library of Congress employees in an area or areas in the District of Columbia out-

side the limits of the Library of Congress grounds, and to provide for transportation of such employees to and from such area or areas and the Library of Congress grounds without regard to the limitations imposed by 31 U.S.C. 638a (c) (2).

2 USC 142e.

SEC. 207. The Disbursing Officer of the Library of Congress is authorized to disburse funds appropriated for the Congressional Budget Office, and the Library of Congress shall provide financial management support to the Congressional Budget Office as may be required and mutually agreed to by the Librarian of Congress and the Director of the Congressional Budget Office. From and after January 1, 1976, the Library of Congress is authorized to compute and disburse the basic pay of all personnel of the Congressional Budget Office pursuant to the provisions of section 5504 of Title 5 of the United States Code, except the Director, who as head of an agency, shall have pay computed and disbursed pursuant to the provisions of section 5505 of Title 5 of the United States Code.

Certificate.

All vouchers certified for payment by duly authorized certifying officers of the Library of Congress shall be supported with a certification by an officer or employee of the Congressional Budget Office duly authorized in writing by the Director of the Congressional Budget Office to certify payments from appropriations of the Congressional Budget Office. The Congressional Budget Office certifying officers shall (1) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting paper and the legality of the proposed payment under the appropriation or fund involved, (2) be held responsible and accountable for the correctness of the computations of certifications made, and (3) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law which did not represent a legal obligation under the appropriation or fund involved: *Provided*, That the Comptroller General of the United States may, at his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds (1) that the certification was based on official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained the actual facts, or (2) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment: *Provided further*, That the Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 66 of Title 49 of the United States Code, whenever he finds that the overpayment occurred solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land grant deduction.

The Disbursing Officer of the Library of Congress shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate, the responsibility for which is imposed upon a certifying officer or employee of the Congressional Budget Office.

17 USC app. 805
note.

SEC. 208. The Library of Congress is authorized to compute and disburse basic pay of all personnel of the Copyright Royalty Tribunal pursuant to the provisions of section 5504 of title 5 of the United States Code.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For necessary expenditures for mechanical and structural maintenance, including improvements, equipment, supplies, waterproof wearing apparel, and personal and other services, \$2,169,100, of which \$100,000 shall remain available until expended.

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For necessary expenses of the Copyright Royalty Tribunal, \$726,000.

GOVERNMENT PRINTING OFFICE

PRINTING AND BINDING

For authorized printing, binding, and distribution of the Federal Register (including the Code of Federal Regulations) as authorized by law (44 U.S.C. 1509, 1510); and printing and binding of Government publications authorized by law to be distributed without charge to the recipient, \$12,952,500: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture): *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That this appropriation shall not be available to provide more than 34 copies of the daily edition of the Congressional Record to any Representative (including Delegates to Congress and the Resident Commissioner from Puerto Rico) for distribution to designees of their choice: *Provided further*, That no part of this appropriation shall be used to furnish more than fifty transferable copies of the daily edition of the Congressional Record to each Senator under section 906 of title 44, United States Code, nor to furnish any such copy to a Senator for transfer other than to a public agency or institution. On or before September 1, 1977, or as soon thereafter as practicable, the Public Printer shall notify each Member of the Senate and House of Representatives of the names and addresses of all those receiving the Congressional Record that are charged to such Member of the Senate and House of Representatives.

Limitation.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For necessary expenses of the Office of Superintendent of Documents, including compensation of all employees in accordance with the provisions of 44 U.S.C. 305; travel expenses (not to exceed \$88,300): *Provided*, That expenditures in connection with travel expenses of the Depository Library Council to the Public Printer shall be deemed necessary to carry out the provisions of chapter 19 of title 44, United States Code; price lists and bibliographies; repairs to buildings, elevators, and machinery; and supplying books to deposi-

tory libraries; \$21,751,000: *Provided further*, That \$300,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), with the approval of the Public Printer, only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments.

For an additional amount for "Salaries and Expenses, Superintendent of Documents", fiscal year 1977, \$900,000.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

31 USC 849.

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That not to exceed \$5,000 may be expended on the certification of the Public Printer in connection with special studies of governmental printing, binding, and distribution practices and procedures: *Provided further*, That during the current fiscal year the revolving fund shall be available for the hire of two passenger motor vehicles and the purchase of one passenger motor vehicle.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

5 USC 5332 note.

For necessary expenses of the General Accounting Office, including not to exceed \$5,000 to be expended on the certification of the Comptroller General of the United States in connection with special studies of governmental financial practices and procedures; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18; hire of one passenger motor vehicle; advance payments in foreign countries notwithstanding section 3648, Revised Statutes, as amended (31 U.S.C. 529); benefits comparable to those payable under sections 911(9), 911(11) and 942(a) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1136(9), 1136(11), and 1157(a), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (Public Law 87-195, 22 U.S.C. 2396(b)), \$167,000,000: *Provided*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Secretary and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other

department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed.

COST-ACCOUNTING STANDARDS BOARD

SALARIES AND EXPENSES

For expenses of the Cost-Accounting Standards Board necessary to carry out the provisions of section 719 of the Defense Production Act of 1950, as amended (Public Law 91-379, approved August 15, 1970), \$1,837,000.

50 USC app.
2168.

TITLE III—CAPITAL IMPROVEMENTS

ARCHITECT OF THE CAPITOL

WEST CENTRAL FRONT OF THE CAPITOL

The Architect of the Capitol is authorized and directed (1) to conduct a study of the utilization of space in the United States Capitol for the purpose of recommending and reporting to the Speaker of the House of Representatives and the President of the Senate and to the Committees on Appropriations of both Houses, and the Senate Committee on Rules and Administration, those offices which, by virtue of the functions performed therein, should be located in the Capitol and those offices which could be relocated to the House and Senate Office Buildings and Annexes; (2) to prepare drawings and specifications for restoration of the West Central Front of the United States Capitol in accordance with each of the various plans and alternatives proposed to the Committees on Appropriations during hearings on Legislative Branch Appropriations for 1978; and (3) to prepare drawings and specifications for extension of the West Central Front of the United States Capitol in accordance with the modified plan for extension of the West Central Front approved by the Commission for Extension of the United States Capitol on April 7, 1977; the drawings and specifications to be prepared in such detail as will enable the cost of such restoration proposals and extension proposal to be ascertained. The unexpended balance of appropriations heretofore appropriated under the heading, "EXTENSION OF THE CAPITOL" shall be transferred immediately upon approval of this Act to a Commission on the West Central Front of the United States Capitol which shall be composed of the following: The Vice President of the United States, who shall be the Chairman, the Speaker of the House of Representatives, the Majority and Minority Leaders of the House of Representatives, and the Majority and Minority Leaders of the Senate. Such unexpended balances shall be available for (1) the conduct of such study and (2) the preparation of such drawings and specifications under the direction of the Commission on the West Central Front of the United States Capitol. The drawings and specifications shall be completed by March 1, 1978, and submitted for the approval of the Committees on Appropriations of the Senate and House of Representatives and the Com-

Study.
Report to
Speaker of the
House, President
of the Senate, and
congressional
committees.
40 USC 166 note.
Hearings.

Funds, transfer.

mission on the West Central Front of the United States Capitol prior to the issuance of invitations to bid on the restoration or extension of the West Central Front of the United States Capitol.

TITLE IV—GENERAL PROVISIONS

Limitation.
Regulations.

SEC. 401. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration.

Fiscal year
limitation.

SEC. 402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 403. Notwithstanding any other provision of law, none of the funds in this Act shall be used to pay pages of the House of Representatives at a gross annual maximum rate of compensation in excess of that in effect on June 30, 1975.

SEC. 404. Section 721 of title 44, United States Code, is amended to read as follows:

“§ 721. Congressional Directory

“(a) There shall be prepared under the direction of the Joint Committee on Printing (1) a Congressional Directory, which shall be printed and distributed as early as practicable during the first session of each Congress and (2) a supplement to each Congressional Directory, which shall be printed and distributed as early as practicable during the second regular session of each Congress. The Joint Committee shall control the number and distribution of the Congressional Directory and each supplement.

“(b) One copy of the Congressional Directory delivered to Members of the Senate and the House of Representatives (including Delegates and the Resident Commissioner) shall be bound in cloth and imprinted on the cover with the name of the Member. Copies of the Congressional Directory delivered to depository libraries may be bound in cloth. All other copies of the Congressional Directory shall be bound in paper and names shall not be imprinted thereon, except that copies printed for sale under section 722 may be bound in cloth.”.

SEC. 405. (a) The paragraph beginning “The Librarian of Congress” under heading “PUBLIC PRINTING AND BINDING” in the Act of June 28, 1902 (32 Stat. 480; 2 U.S.C. 150), is amended by inserting before the period at the end thereof “and shall be credited to the appropriation for necessary expenses for the preparation and distribution of catalog cards and other publications of the Library”.

Effective date.
2 USC 150 note.

Effective date.

(b) The amendment made by subsection (a) shall take effect on October 1, 1977.

SEC. 406. (a) Effective October 1, 1977, section 203 of title 17, United States Code, is amended by adding at the end thereof the following: “All moneys deposited with the Secretary of the Treasury under this section shall be credited to the appropriation for necessary expenses of the Copyright Office.”.

Effective date.

(b) Effective January 1, 1978, the first sentence of section 708(c) of title 17, United States Code, is amended to read as follows: “All fees received under this section shall be deposited by the Register of Copyrights in the Treasury of the United States and shall be credited to the appropriation for necessary expenses of the Copyright Office.”.

SEC. 407. (a) The first paragraph of section 906 of title 44, United States Code, is amended—

(1) by striking out

“to the Vice President and each Senator, one hundred copies;”

and inserting in lieu thereof

“to the Vice President, one hundred copies;

“to each Senator, fifty copies (which may be transferred only to public agencies and institutions);”

(2) by striking out

“to each Representative, and Resident Commissioner in Congress, sixty-eight copies;”

and inserting in lieu thereof

“to each Member of the House of Representatives, the Resident Commissioner from Puerto Rico, the Delegate from the District of Columbia, the Delegate from Guam, and the Delegate from the Virgin Islands, thirty-four copies (which may be transferred only to public agencies and institutions);”.

(b) The amendment made by subsection (a) shall take effect on October 1, 1977.

SEC. 408. (a) (1) Section 1509 of title 44, United States Code, is amended to read as follows:

“§ 1509. Costs of publication, etc.

“(a) The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and the Code of Federal Regulations, and, except as provided in subsection (b), other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this chapter shall be charged to the revolving fund provided in section 309. Reimbursements for such costs and expenses shall be made by the Federal agencies and credited, together with all receipts, as provided in section 309(b).

“(b) The cost of printing, reprinting, wrapping, binding, and distributing all other publications of the Federal Register program, and other expenses incurred by the Government Printing Office in connection with such publications, shall be borne by the appropriations to the Government Printing Office and the appropriations are made available, and are authorized to be increased by additional sums necessary for the purposes, the increases to be based upon estimates submitted by the Public Printer.”.

(2) The table of sections of chapter 15 of title 44, United States Code, is amended by striking out the item relating to section 1509 and inserting in lieu thereof the following:

“1509. Costs of publication, etc.”.

(b) The amendments made by subsection (a) shall take effect on October 1, 1977.

SEC. 409. (a) The last sentence of the first paragraph of section 1708 of title 44, United States Code, is amended by striking out “Surplus receipts from sales” and inserting in lieu thereof “Receipts from general sales of publications in excess of the total costs and expenses incurred in connection with the publication and sale thereof, as determined by the Public Printer.”.

(b) The amendment made by subsection (a) shall take effect on October 1, 1977.

Effective date.
44 USC 906 note.
Federal Register
and Code of
Federal
Regulations.

Effective date.
44 USC 1509
note.

Effective date.
44 USC 1708
note.

D.C. Code
40-603c.

SEC. 410. Each Senator, Member of the House of Representatives, and other individual who is authorized by law to be issued a congressional tag for his automobile shall, upon application therefor, be entitled to be issued a duplicate tag bearing the same number.

Short title.

This Act may be cited as the "Legislative Branch Appropriation Act, 1978".

Approved August 5, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-450 (Comm. on Appropriations) and 95-506 (Comm. of Conference).

SENATE REPORT No. 95-338 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 29, considered and passed House.

July 15, 18, considered and passed Senate, amended.

July 26, House agreed to conference report; *receded and concurred in certain* Senate amendments, in others with amendment, and disagreed to Senate amendment No. 61. Senate agreed to conference report; resolved amendments in disagreement.

Public Law 95-95
95th Congress

An Act

To amend the Clean Air Act, and for other purposes.

Aug. 7, 1977

[H.R. 6161]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Clean Air Act
Amendments of
1977.

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act, together with the following table of contents, may be cited as the "Clean Air Act Amendments of 1977".

42 USC 7401
note.*

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.

TITLE I—AMENDMENTS RELATING PRIMARILY TO TITLE I OF THE
CLEAN AIR ACT

- Sec. 101. Training.
- Sec. 102. Waiver of maintenance of effort requirement.
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* The Clean Air Act which was formerly classified to 42 USC 1857 *et seq.* has been transferred and is now classified to 42 USC 7401 *et seq.* Marginal citations to the U.S. Code for sections of the Clean Air Act in this slip law are to the new classifications. For former classifications of the Clean Air Act, consult the Tables volume of the U.S. Code.

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TITLE I—AMENDMENTS RELATING PRIMARILY TO
TITLE I OF THE CLEAN AIR ACT

TRAINING

Grants.
42 USC 7403.

Sec. 101. (a) Section 103(b) of the Clean Air Act is amended by striking out paragraph (5), redesignating the following paragraphs accordingly, and adding the following at the end thereof: "In carrying out the provisions of subsection (a), the Administrator shall provide training for, and make training grants to, personnel of air pollution control agencies and other persons with suitable qualifications and make grants to such agencies, to other public or nonprofit private agencies, institutions, and organizations for the purposes stated in subsection (a) (5). Reasonable fees may be charged for such

Fees.

training provided to persons other than personnel of air pollution control agencies but such training shall be provided to such personnel of air pollution control agencies without charge.”

(b) Section 103(a) of such Act is amended by striking out “training,” in paragraph (1); by striking out the period at the end of paragraph (4) and inserting in lieu thereof “; and”; and by inserting the following paragraph at the end thereof:

42 USC 7403.

“(5) conduct and promote coordination and acceleration of training for individuals relating to the causes, effects, extent, prevention, and control of air pollution.”

(c) The Administrator of the Environmental Protection Agency shall consult with the House Committee on Science and Technology on the environmental and atmospheric research, development, and demonstration aspects of this Act. In addition, the reports and studies required by this Act that relate to research, development, and demonstration issues shall be transmitted to the Committee on Science and Technology at the same time they are made available to other committees of the Congress.

Research, development, and demonstration. Consultation with House committee. Reports and studies, transmittal to congressional committees. 42 USC 7403 note.

WAIVER OF MAINTENANCE OF EFFORT REQUIREMENT

SEC. 102. (a) The third sentence of subsection (b) of section 105 of the Clean Air Act is amended to read as follows: “No agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for other than nonrecurrent expenditures for air pollution control programs will be less than its expenditures were for such programs during the preceding fiscal year, unless the Administrator, after notice and opportunity for public hearing, determines that a reduction in expenditures is attributable to a nonselective reduction in expenditures in the programs of all executive branch agencies of the applicable unit of Government; and no agency shall receive any grant under this section with respect to the maintenance of a program for the prevention and control of air pollution unless the Administrator is satisfied that such grant will be so used to supplement and, to the extent practicable, increase the level of State, local, or other non-Federal funds that would in the absence of such grant be made available for the maintenance of such program, and will in no event supplant such State, local, or other non-Federal funds.”

Notice and hearing. 42 USC 7405.

(b) Subsection (c) of section 105 of such Act is amended by adding the following at the end thereof: “In fiscal year 1978 and subsequent fiscal years, subject to the provisions of subsection (b) of this section, no State shall receive less than one-half of 1 per centum of the annual appropriation for grants under this section for grants to agencies within such State.”

State agencies, availability of funds.

AIR QUALITY CONTROL REGIONS

SEC. 103. Section 107 of the Clean Air Act is amended by adding the following new subsections at the end thereof:

“(d)(1) For the purpose of transportation control planning, part D (relating to nonattainment), part C (relating to prevention of significant deterioration of air quality), and for other purposes, each State, within one hundred and twenty days after the date of enactment of the Clean Air Act Amendments of 1977, shall submit to the Administrator a list, together with a summary of the available information, identifying those air quality control regions, or portions

List, noncomplying regions. 42 USC 7407. *Post*, pp. 746, 731.

thereof, established pursuant to this section in such State which on the date of enactment of the Clean Air Act Amendments of 1977—

“(A) do not meet a national primary ambient air quality standard for any air pollutant other than sulfur dioxide or particulate matter;

“(B) do not meet, or in the judgment of the State may not in the time period required by an applicable implementation plan attain or maintain, any national primary ambient air quality standard for sulfur dioxide or particulate matter;

“(C) do not meet a national secondary ambient air quality standard;

“(D) cannot be classified under subparagraph (B) or (C) of this paragraph on the basis of available information, for ambient air quality levels for sulfur oxides or particulate matter; or

“(E) have ambient air quality levels better than any national primary or secondary air quality standard other than for sulfur dioxide or particulate matter, or for which there is not sufficient data to be classified under subparagraph (A) or (C) of this paragraph.

List,
modification.
Notice.

“(2) Not later than sixty days after submittal of the list under paragraph (1) of this subsection the Administrator shall promulgate each such list with such modifications as he deems necessary. Whenever the Administrator proposes to modify a list submitted by a State, he shall notify the State and request all available data relating to such region or portion, and provide such State with an opportunity to demonstrate why any proposed modification is inappropriate.

“(4) Any region or portion thereof which is not classified under subparagraph (B) or (C) of paragraph (1) of this subsection for sulfur dioxide or particulate matter within one hundred and eighty days after enactment of the Clean Air Act Amendments of 1977 shall be deemed to be a region classified under subparagraph (D) of paragraph (1) of this subsection.

Revised lists.

“(5) A State may from time to time review, and as appropriate revise and resubmit, the list required under this subsection. The Administrator shall consider and promulgate such revised list in accordance with this subsection.

Air quality
control regions,
redesignations.

“(e) (1) Except as otherwise provided in paragraph (2), the Governor of each State is authorized, with the approval of the Administrator, to redesignate from time to time the air quality control regions within such State for purposes of efficient and effective air quality management. Upon such redesignation, the list under subsection (d) shall be modified accordingly.

“(2) In the case of an air quality control region in a State, or part of such region, which the Administrator finds may significantly affect air pollution concentrations in another State, the Governor of the State in which such region, or part of a region, is located may redesignate from time to time the boundaries of so much of such air quality control region as is located within such State only with the approval of the Administrator and with the consent of all Governors of all States which the Administrator determines may be significantly affected.

Post, p. 705.

“(3) No compliance date extension granted under section 113(d) (5) (relating to coal conversion) shall cease to be effective by reason of the regional limitation provided in section 113(d) (5) if the violation of such limitation is due solely to a redesignation of a region under this subsection.”

CRITERIA AND CONTROL TECHNIQUES

SEC. 104. (a) The first sentence of section 108(b)(1) of the Clean Air Act is amended by striking the words "technology and costs of emission control" and inserting in lieu thereof the words "cost of installation and operation, energy requirements, emission reduction benefits, and environmental impact of the emission control technology".

42 USC 7408.

(b) Section 108(c) of such Act is amended by adding the following at the end thereof: "Not later than six months after the date of the enactment of the Clean Air Act Amendments of 1977, the Administrator shall revise and reissue criteria relating to concentrations of NO₂ over such period (not more than three hours) as he deems appropriate. Such criteria shall include a discussion of nitric and nitrous acids, nitrites, nitrates, nitrosamines, and other carcinogenic and potentially carcinogenic derivatives of oxides of nitrogen."

NO₂ criteria,
revision and
reissuance.

TRANSPORTATION PLANNING AND GUIDELINES

SEC. 105. Section 108 of the Clean Air Act is amended by adding the following new subsections at the end thereof:

Federal, State,
and local
agencies,
consultation.
Publication.

"(e) The Administrator shall, after consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development and State and local officials and within 180 days after the enactment of this subsection, and from time to time thereafter, publish guidelines on the basic program elements for the planning process assisted under section 175 of part D. Such guidelines shall include information on—

Post, p. 746.

"(1) methods to identify and evaluate alternative planning and control activities;

Contents.

"(2) methods of reviewing plans on a regular basis as conditions change or new information is presented;

"(3) identification of funds and other resources necessary to implement the plan, including interagency agreements on providing such funds and resources;

"(4) methods to assure participation by the public in all phases of the planning process; and

"(5) such other methods as the Administrator determines necessary to carry out a continuous planning process.

"(f)(1) The Administrator shall publish and make available to appropriate Federal agencies, States, and air pollution control agencies, including agencies assisted under section 175 within 6 months after enactment of this subsection for clauses (i), (ii), (iii), and (iv) of subparagraph (A) and within one year after the enactment of this subsection for the balance of this subsection (and from time to time thereafter),

Information,
publication.
Availability to
Federal and State
agencies.

"(A) information, prepared, as appropriate, in cooperation with the Secretary of Transportation, regarding processes, procedures, and methods to reduce or control each such pollutant, including but not limited to—

"(i) motor vehicle emission inspection and maintenance programs;

"(ii) programs to control vapor emissions from fuel transfer and storage operations and operations using solvents;

"(iii) programs for improved public transit;

"(iv) programs to establish exclusive bus and carpool lanes and areawide carpool programs;

“(v) programs to limit portions of road surfaces or certain sections of the metropolitan areas to the use of common carriers, both as to time and place;

“(vi) programs for long-range transit improvements involving new transportation policies and transportation facilities or major changes in existing facilities;

“(vii) programs to control on-street parking;

“(viii) programs to construct new parking facilities and operate existing parking facilities for the purpose of park and ride lots and fringe parking;

“(ix) programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of nonmotorized vehicles or pedestrian use, both as to time and place;

“(x) provisions for employer participation in programs to encourage carpooling, vanpooling, mass transit, bicycling, and walking;

“(xi) programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas;

“(xii) programs of staggered hours of work;

“(xiii) programs to institute road user charges, tolls, or differential rates to discourage single occupancy automobile trips;

“(xiv) programs to control extended idling of vehicles;

“(xv) programs to reduce emissions by improvements in traffic flow;

“(xvi) programs for the conversion of fleet vehicles to cleaner engines or fuels, or to otherwise control fleet vehicle operations;

“(xvii) programs for retrofit of emission devices or controls on vehicles and engines, other than light duty vehicles, not subject to regulations under section 202 of title II of this Act; and

“(xviii) programs to reduce motor vehicle emissions which are caused by extreme cold start conditions;

“(B) information on additional methods or strategies that will contribute to the reduction of mobile source related pollutants during periods in which any primary ambient air quality standard will be exceeded and during episodes for which an air pollution alert, warning, or emergency has been declared;

“(C) information on other measures which may be employed to reduce the impact on public health or protect the health of sensitive or susceptible individuals or groups; and

“(D) information on the extent to which any process, procedure, or method to reduce or control such air pollutant may cause an increase in the emissions or formation of any other pollutant.

“(2) In publishing such information the Administrator shall also include an assessment of—

“(A) the relative effectiveness of such processes, procedures, and methods;

“(B) the potential effect of such processes, procedures, and methods on transportation systems and the provision of transportation services; and

“(C) the environmental, energy, and economic impact of such processes, procedures, and methods.”.

Post, pp.
751-753,
758-761, 765,
767, 769, 791.

Additional
information.

AIR QUALITY STANDARDS

SEC. 106. (a) Section 109 of the Clean Air Act, as amended by subsection (b) of this section, is amended by adding the following new subsection at the end thereof:

42 USC 7409.

“(d) (1) Not later than December 31, 1980, and at five-year intervals thereafter, the Administrator shall complete a thorough review of the criteria published under section 108 and the national ambient air quality standards promulgated under this section and shall make such revisions in such criteria and standards and promulgate such new standards as may be appropriate in accordance with section 108 and subsection (b) of this section. The Administrator may review and revise criteria or promulgate new standards earlier or more frequently than required under this paragraph.

Review and revision.

Ante, p. 689;
Post, p. 790.

“(2) (A) The Administrator shall appoint an independent scientific review committee composed of seven members including at least one member of the National Academy of Sciences, one physician, and one person representing State air pollution control agencies.

Scientific review committee, appointment.

“(B) Not later than January 1, 1980, and at five-year intervals thereafter, the committee referred to in subparagraph (A) shall complete a review of the criteria published under section 108 and the national primary and secondary ambient air quality standards promulgated under this section and shall recommend to the Administrator any new national ambient air quality standards and revisions of existing criteria and standards as may be appropriate under section 108 and subsection (b) of this section.

“(C) Such committee shall also (i) advise the Administrator of areas in which additional knowledge is required to appraise the adequacy and basis of existing, new, or revised national ambient air quality standards, (ii) describe the research efforts necessary to provide the required information, (iii) advise the Administrator on the relative contribution to air pollution concentrations of natural as well as anthropogenic activity, and (iv) advise the Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such national ambient air quality standards.”

(b) Section 109 of such Act is amended by adding the following new subsection at the end thereof:

NO₂ standards, promulgation.
Supra.

“(c) The Administrator shall, not later than one year after the date of the enactment of the Clean Air Act Amendments of 1977, promulgate a national primary ambient air quality standard for NO₂ concentrations over a period of not more than 3 hours unless, based on the criteria issued under section 108(c), he finds that there is no significant evidence that such a standard for such a period is requisite to protect public health.”

ENERGY OR ECONOMIC EMERGENCY AUTHORITY

SEC. 107. (a) Section 110(f) of the Clean Air Act is amended to read as follows:

Energy emergency, Presidential determination. Notice and hearing. Petition.
42 USC 7410.

“(f) (1) Upon application by the owner or operator of a fuel burning stationary source, and after notice and opportunity for public hearing, the Governor of the State in which such source is located may petition the President to determine that a national or regional energy emergency exists of such severity that—

“(A) a temporary suspension of any part of the applicable implementation plan may be necessary, and

“(B) other means of responding to the energy emergency may be inadequate.

Energy
emergency, plan
suspension.

Such determination shall not be delegable by the President to any other person. If the President determines that a national or regional energy emergency of such severity exists, a temporary emergency suspension of any part of an applicable implementation plan adopted by the State may be issued by the Governor of any State covered by the President's determination under the condition specified in paragraph (2) and may take effect immediately.

Requirements.

“(2) A temporary emergency suspension under this subsection shall be issued to a source only if the Governor of such State finds that—

“(A) there exists in the vicinity of such source a temporary energy emergency involving high levels of unemployment or loss of necessary energy supplies for residential dwellings; and

“(B) such unemployment or loss can be totally or partially alleviated by such emergency suspension.

Not more than one such suspension may be issued for any source on the basis of the same set of circumstances or on the basis of the same emergency.

Suspension
period.

“(3) A temporary emergency suspension issued by a Governor under this subsection shall remain in effect for a maximum of four months or such lesser period as may be specified in a disapproval order of the Administrator, if any. The Administrator may disapprove such suspension if he determines that it does not meet the requirements of paragraph (2).

Post, p. 694.

“(4) This subsection shall not apply in the case of a plan provision or requirement promulgated by the Administrator under subsection (c) of this section, but in any such case the President may grant a temporary emergency suspension for a four month period of any such provision or requirement if he makes the determinations and findings specified in paragraphs (1) and (2).

Compliance
schedule delay.

“(5) The Governor may include in any temporary emergency suspension issued under this subsection a provision delaying for a period identical to the period of such suspension any compliance schedule (or increment of progress) to which such source is subject under section 119, as in effect before the date of the enactment of this paragraph or section 113(d) of this Act, upon a finding that such source is unable to comply with such schedule (or increment) solely because of the conditions on the basis of which a suspension was issued under this subsection.”.

Post, pp. 709,
712.

Post, p. 705.

Temporary
economic
emergency,
plan suspension.
42 USC 7410.

(b) Section 110 of such Act is amended by adding the following new subsection at the end thereof:

“(g) (1) In the case of any State which has adopted and submitted to the Administrator a proposed plan revision which the State determines—

“(A) meets the requirements of this section, and

“(B) is necessary (i) to prevent the closing for one year or more of any source of air pollution, and (ii) to prevent substantial increases in unemployment which would result from such closing, and

which the Administrator has not approved or disapproved under this section within the required four month period, the Governor may issue a temporary emergency suspension of the part of the applicable implementation plan for such State which is proposed to be revised with respect to such source. The determination under subparagraph (B)

may not be made with respect to a source which would close without regard to whether or not the proposed plan revision is approved.

“(2) A temporary emergency suspension issued by a Governor under this subsection shall remain in effect for a maximum of four months or such lesser period as may be specified in a disapproval order of the Administrator. The Administrator may disapprove such suspension if he determines that it does not meet the requirements of this subsection.

Suspension
period.

“(3) The Governor may include in any temporary emergency suspension issued under this subsection a provision delaying for a period identical to the period of such suspension any compliance schedule (or increment of progress) to which such source is subject under section 119 as in effect before the date of the enactment of this paragraph, or under section 113(d) upon a finding that such source is unable to comply with such schedule (or increment) solely because of the conditions on the basis of which a suspension was issued under this subsection.”.

Compliance
schedule delay.

Post, pp. 709,
712.

Post, p. 705.

IMPLEMENTATION PLANS

SEC. 108. (a)(1) Section 110(a)(2)(A) of the Clean Air Act is amended by inserting “except as may be provided in subparagraph (I)” after “(A)”.

Contents.
42 USC 7410.

(2) Section 110(a)(2)(B) of such Act is amended by striking out “land-use and” and by inserting after “transportation controls” the following: “, air quality maintenance plans, and preconstruction review of direct sources of air pollution as provided in subparagraph (D)”.

(3) Section 110(a)(2)(D) of such Act is amended by inserting after “(D) it includes” and before “a procedure” the following: “a program to provide for the enforcement of emission limitations and regulation of the modification, construction, and operation of any stationary source, including a permit program as required in parts C and D and a permit or equivalent program for any major emitting facility, within such region as necessary to assure (i) that national ambient air quality standards are achieved and maintained, and (ii)”.

Post, pp. 731,
746.

(4) Section 110(a)(2)(E) of such Act is amended to read as follows:

“(E) it contains adequate provisions (i) prohibiting any stationary source within the State from emitting any air pollutant in amounts which will (I) prevent attainment or maintenance by any other State of any such national primary or secondary ambient air quality standard, or (II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility, and (ii) insuring compliance with the requirements of section 126, relating to interstate pollution abatement:”.

Post, p. 724.

(5) Section 110(a)(2)(F) of such Act is amended by striking out “and” before “(v)” and by inserting the following at the end thereof: “and (vi) requirements that the State comply with the requirements respecting State boards under section 128;” after “such authority;”

Post, p. 725.

(6)(A) Section 110(a)(2)(H)(ii) of such Act is amended by inserting after “to achieve the national ambient air quality primary or secondary standard which it implements” the following: “or to otherwise comply with any additional requirements established under the Clean Air Act Amendments of 1977”.

State
implementation
plan, contents.
42 USC 7410.

(B) Section 110(a)(2)(H)(ii) of such Act is amended by inserting "except as provided in paragraph (3)(C)," before "whenever".

(b) Section 110(a)(2) of the Clean Air Act is amended by striking out "and" at the end of subparagraph (G), striking out the period at the end of subparagraph (H), and by adding the following new subparagraphs at the end thereof:

Nonattainment
area, construction
limitation.
Post, p. 746.

"(I) it provides that after June 30, 1979, no major stationary source shall be constructed or modified in any nonattainment area (as defined in section 171(2)) to which such plan applies, if the emissions from such facility will cause or contribute to concentrations of any pollutant for which a national ambient air quality standard is exceeded in such area, unless, as of the time of application for a permit for such construction or modification, such plan meets the requirements of part D (relating to nonattainment areas);

Post, p. 746.

Post, p. 719.

Post, p. 725.

"(J) it meets the requirements of section 121 (relating to consultation), section 127 (relating to public notification), part C (relating to prevention of significant deterioration of air quality and visibility protection), and

Fee.

"(K) it requires the owner or operator of each major stationary source to pay to the permitting authority as a condition of any permit required under this Act a fee sufficient to cover—

"(i) the reasonable costs of reviewing and acting upon any application for such a permit, and

"(ii) if the owner or operator receives a permit for such source, whether before or after the date of enactment of this subparagraph, the reasonable costs (incurred after such date of enactment) of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action)."

State
implementation
plan, revision.

(c) Section 110(a)(3) of such Act is amended by adding the following new subparagraph at the end thereof:

Post, p. 711.

Post, p. 705.

Ante, pp. 691,
692.

Post, pp. 709,
712.

"(C) Neither the State, in the case of a plan (or portion thereof) approved under this subsection, nor the Administrator in the case of a plan (or portion thereof) promulgated under subsection (c), shall be required to revise an applicable implementation plan because one or more exemptions under section 118 (relating to Federal facilities), enforcement orders under section 113(d), suspensions under section 110 (f) or (g) (relating to temporary energy or economic authority) or orders under section 119 (relating to primary nonferrous smelters) have been granted, if such plan would have met the requirements of this section if no such exemptions, orders, extension, or variances had been granted."

Implementation
plan, regulations.

(d)(1) Section 110(c)(1) of such Act is amended by adding the following new sentence at the end thereof: "Notwithstanding the preceding sentence, any portion of a plan relating to any measure described in the first sentence of section 121 (relating to consultation) or the consultation process required under such section 121 shall not be required to be promulgated before the date eight months after such date required for submission."

Post, p. 719.

(2) Section 110(c)(1)(A) of such Act is amended to read as follows:

"(A) the State fails to submit an implementation plan which meets the requirements of this section,"

(3) Section 110(c) of such Act is amended by adding the following new paragraphs at the end thereof:

“(3) Upon application of the chief executive officer of any general purpose unit of local government, if the Administrator determines that such unit has adequate authority under State or local law, the Administrator may delegate to such unit the authority to implement and enforce within the jurisdiction of such unit any part of a plan promulgated under this subsection. Nothing in this paragraph shall prevent the Administrator from implementing or enforcing any applicable provision of a plan promulgated under this subsection.

“(4) In the case of any applicable implementation plan containing measures requiring—

“(A) retrofits on other than commercially owned in-use vehicles,

“(B) gas rationing which the Administrator finds would have seriously disruptive and widespread economic or social effects, or

“(C) the reduction of the supply of on-street parking spaces, the Governor of the State may, after notice and opportunity for public hearing, temporarily suspend such measures notwithstanding the requirements of this section until January 1, 1979, or the date on which a plan revision under section 110(a)(2)(I) is submitted, whichever is earlier. No such suspension shall be granted unless the State agrees to prepare, adopt, and submit such plan revision as determined by the Administrator.

“(5) (A) Any measure in an applicable implementation plan which requires a toll or other charge for the use of a bridge located entirely within one city shall be eliminated from such plan by the Administrator upon application by the Governor of the State, which application shall include a certification by the Governor that he will revise such plan in accordance with subparagraph (B).

“(B) In the case of any applicable implementation plan with respect to which a measure has been eliminated under subparagraph (A), such plan shall, not later than one year after the date of the enactment of this subparagraph, be revised to include comprehensive measures (including the written evidence required by part D), to:

“(i) establish, expand, or improve public transportation measures to meet basic transportation needs, as expeditiously as is practicable; and

“(ii) implement transportation control measures necessary to attain and maintain national ambient air quality standards, and such revised plan shall, for the purpose of implementing such comprehensive public transportation measures, include requirements to use (insofar as is necessary) Federal grants, State or local funds, or any combination of such grants and funds as may be consistent with the terms of the legislation providing such grants and funds. Such measures shall, as a substitute for the tolls or charges eliminated under subparagraph (A), provide for emissions reductions equivalent to the reductions which may reasonably be expected to be achieved through the use of the tolls or charges eliminated.

“(C) Any revision of an implementation plan for purposes of meeting the requirements of subparagraph (B) shall be submitted in coordination with any plan revision required under part D.”

(e) Section 110(a) of such Act is amended by adding at the end thereof the following new paragraphs:

“(5) (A) (i) Any State may include in a State implementation plan, but the Administrator may not require as a condition of approval of such plan under this section, any indirect source review program. The Administrator may approve and enforce, as part of an applicable

Plan, State implementation and enforcement.

Temporary suspension. Notice and hearing.

Ante, p. 694.

Certain bridge tolls, elimination.

Implementation plan, public transportation measures, revision.
Post, p. 746

Indirect source review program.
Ante, p. 693.

implementation plan, an indirect source review program which the State chooses to adopt and submit as part of its plan.

“(ii) Except as provided in subparagraph (B), no plan promulgated by the Administrator shall include any indirect source review program for any air quality control region, or portion thereof.

Ante, pp.
693-695.

“(iii) Any State may revise an applicable implementation plan approved under section 110(a) to suspend or revoke any such program included in such plan, provided that such plan meets the requirements of this section.

Ante, p. 694.

“(B) The Administrator shall have the authority to promulgate, implement and enforce regulations under section 110(c) respecting indirect source review programs which apply only to federally assisted highways, airports, and other major federally assisted indirect sources and federally owned or operated indirect sources.

Definitions.

“(C) For purposes of this paragraph, the term ‘indirect source’ means a facility, building, structure, installation, real property, road, or highway which attracts, or may attract, mobile sources of pollution. Such term includes parking lots, parking garages, and other facilities subject to any measure for management of parking supply (within the meaning of section 110(c)(2)(D)(ii)), including regulation of existing off-street parking but such term does not include new or existing on-street parking. Direct emissions sources or facilities at, within, or associated with, any indirect source shall not be deemed indirect sources for the purpose of this paragraph.

42 USC 7410.

“(D) For purposes of this paragraph the term ‘indirect source review program’ means the facility-by-facility preconstruction or premodification review of indirect sources of air pollution, including such measures as are necessary to assure, or assist in assuring, that a new or modified indirect source will not attract mobile sources of air pollution, the emissions from which would cause or contribute to air pollution concentrations—

“(i) exceeding any national primary ambient air quality standard for a mobile source-related air pollutant after the primary standard attainment date, or

“(ii) preventing maintenance of any such standard after such date.

“(E) For purposes of this paragraph and paragraph (2)(B), the term ‘transportation control measure’ does not include any measure which is an ‘indirect source review program’.

Post, p. 705.
Post, pp. 709,
712.

“(6) No State plan shall be treated as meeting the requirements of this section unless such plan provides that in the case of any source which uses a supplemental, or intermittent control system for purposes of meeting the requirements of an order under section 113(d) or section 119 (relating to primary nonferrous smelter orders), the owner or operator of such source may not temporarily reduce the pay of any employee by reason of the use of such supplemental or intermittent or other dispersion dependent control system.”.

42 USC 7410.

(f) Section 110(d) of such Act is amended by striking out “implements” and all that follows down through the period at the end thereof and inserting in lieu thereof “implements the requirements of this section.”.

State documents.
Publication in
Federal Register.

(g) Section 110 of such Act is amended by adding the following new subsections at the end thereof:

“(g)(1) Not later than one year after the date of enactment of the Clean Air Act Amendments of 1977 and annually thereafter, the Administrator shall assemble and publish a comprehensive document for each State setting forth all requirements of the applicable imple-

mentation plan for such State and shall publish notice in the Federal Register of the availability of such documents. Each such document shall be revised as frequently as practicable but not less often than annually.

“(2) The Administrator may promulgate such regulations as may be reasonably necessary to carry out the purpose of this subsection.

“(h) Except for a primary nonferrous smelter order under section 119, a suspension under section 110 (f) or (g) (relating to emergency suspensions), an exemption under section 118 (relating to certain Federal facilities), an order under section 113(d) (relating to compliance orders), a plan promulgation under section 110(c), or a plan revision under section 110(a) (3), no order, suspension, plan revision, or other action modifying any requirement of an applicable implementation plan may be taken with respect to any stationary source by the State or by the Administrator.

“(i) As a condition for issuance of any permit required under this title, the owner or operator of each new or modified stationary source which is required to obtain such a permit must show to the satisfaction of the permitting authority that the technological system of continuous emission reduction which is to be used at such source will enable it to comply with the standards of performance which are to apply to such source and that the construction or modification and operation of such source will be in compliance with all other requirements of this Act.”

NEW SOURCE STANDARDS OF PERFORMANCE

SEC. 109. (a) Section 111 of the Clean Air Act is amended by adding the following new subsections at the end thereof:

“(f) (1) Not later than one year after the date of enactment of this subsection, the Administrator shall promulgate regulations listing under subsection (b) (1) (A) the categories of major stationary sources which are not on the date of the enactment of this subsection included on the list required under subsection (b) (1) (A). The Administrator shall promulgate regulations establishing standards of performance for the percentage of such categories of sources set forth in the following table before the expiration of the corresponding period set forth in such table:

Percentage of source categories required to be listed for which standards must be established:	Period by which standards must be promulgated after date list is required to be promulgated:
25 -----	2 years.
75 -----	3 years.
100 -----	4 years.

“(2) In determining priorities for promulgating standards for categories of major stationary sources for the purpose of paragraph (1), the Administrator shall consider—

“(A) the quantity of air pollutant emissions which each such category will emit, or will be designed to emit;

“(B) the extent to which each such pollutant may reasonably be anticipated to endanger public health or welfare; and

“(C) the mobility and competitive nature of each such category of sources and the consequent need for nationally applicable new source standards of performance.

“(3) Before promulgating any regulations under this subsection or listing any category of major stationary sources as required under

Regulations.

Modification of requirements, prohibition.

Post, pp. 709, 712.

Ante, pp. 691, 692.

Post, p. 711.

Post, p. 705.

Ante, p. 694.

Regulations.

42 USC 7411.

Post, p. 791.

State officers, consultation.

this subsection, the Administrator shall consult with appropriate representatives of the Governors and of State air pollution control agencies.

Regulations,
revision.
Application,
State Governor.

“(g) (1) Upon application by the Governor of a State showing that the Administrator has failed to specify in regulations under subsection (f) (1) any category of major stationary sources required to be specified under such regulations, the Administrator shall revise such regulations to specify any such category.

Post, p. 791.

“(2) Upon application of the Governor of a State, showing that any category of stationary sources which is not included in the list under subsection (b) (1) (A) contributes significantly to air pollution which may reasonably be anticipated to endanger public health or welfare (notwithstanding that such category is not a category of major stationary sources), the Administrator shall revise such regulations to specify such category of stationary sources.

“(3) Upon application of the Governor of a State showing that the Administrator has failed to apply properly the criteria required to be considered under subsection (f) (2), the Administrator shall revise the list under subsection (b) (1) (A) to apply properly such criteria.

“(4) Upon application of the Governor of a State showing that—

“(A) a new, innovative, or improved technology or process which achieves greater continuous emission reduction has been adequately demonstrated for any category of stationary sources, and

“(B) as a result of such technology or process, the new source standard of performance in effect under subsection (b) for such category no longer reflects the greatest degree of emission limitation achievable through application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impact and energy requirements) has been adequately demonstrated, the Administrator shall revise such standard of performance for such category accordingly.

Hazardous air
pollutants list,
revision.

“(5) Upon application by the Governor of a State showing that the Administrator has failed to list any air pollutant which causes, or contributes to, air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness as a hazardous air pollutant under section 112, the Administrator shall revise the list of hazardous air pollutants under such section to include such pollutant.

Post, pp. 701,
703, 791.

Stationary
sources,
standards.

“(6) Upon application by the Governor of a State showing that any category of stationary sources of a hazardous air pollutant listed under section 112 is not subject to emission standards under such section, the Administrator shall propose and promulgate such emission standards applicable to such category of sources.

Application,
administrative
action.

“(7) Unless later deadlines for action of the Administrator are otherwise prescribed under this section or section 112, the Administrator shall, not later than three months following the date of receipt of any application by a Governor of a State, either—

“(A) find that such application does not contain the requisite showing and deny such application, or

“(B) grant such application and take the action required under this subsection.

Notice and
hearing.

“(8) Before taking any action required by subsection (f) or by this

subsection, the Administrator shall provide notice and opportunity for public hearing.

“(h)(1) For purposes of this section, if in the judgment of the Administrator, it is not feasible to prescribe or enforce a standard of performance, he may instead promulgate a design, equipment, work practice, or operational standard, or combination thereof, which reflects the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated. In the event the Administrator promulgates a design or equipment standard under this subsection, he shall include as part of such standard such requirements as will assure the proper operation and maintenance of any such element of design or equipment.

Design or equipment standards.

“(2) For the purpose of this subsection, the phrase ‘not feasible to prescribe or enforce a standard of performance’ means any situation in which the Administrator determines that (A) a pollutant or pollutants cannot be emitted through a conveyance designed and constructed to emit or capture such pollutant, or that any requirement for, or use of, such a conveyance would be inconsistent with any Federal, State, or local law, or (B) the application of measurement methodology to a particular class of sources is not practicable due to technological or economic limitations.

“Not feasible to prescribe or enforce a standard of performance.”

“(3) If after notice and opportunity for public hearing, any person establishes to the satisfaction of the Administrator that an alternative means of emission limitation will achieve a reduction in emissions of any air pollutant at least equivalent to the reduction in emissions of such air pollutant achieved under the requirements of paragraph (1), the Administrator shall permit the use of such alternative by the source for purposes of compliance with this section with respect to such pollutant.

Alternative emission limitation. Notice and hearing.

“(4) Any standard promulgated under paragraph (1) shall be promulgated in terms of standard of performance whenever it becomes feasible to promulgate and enforce such standard in such terms.

“(i) Any regulations promulgated by the Administrator under this section applicable to grain elevators shall not apply to country elevators (as defined by the Administrator) which have a storage capacity of less than two million five hundred thousand bushels.”

(b)(1) Section 111(d)(1) of such Act is amended by striking out “emissions standards” in each place it appears and inserting in lieu thereof “standards of performance” and by adding at the end thereof the following new sentence: “Regulations of the Administrator under this paragraph shall permit the State in applying a standard of performance to any particular source under a plan submitted under this paragraph to take into consideration, among other factors, the remaining useful life of the existing source to which such standard applies.”

Standards of performance. 42 USC 7411.

(2) Section 111(d)(2) of such Act is amended by adding at the end thereof the following new sentence: “In promulgating a standard of performance under a plan prescribed under this paragraph, the Administrator shall take into consideration, among other factors, remaining useful lives of the sources in the category of sources to which such standard applies.”

(c)(1)(A) Section 111(a)(1) of the Clean Air Act, defining standard of performance, is amended to read as follows:

“Standard of performance.”

Infra.

“(1) The term ‘standard of performance’ means—
 “(A) with respect to any air pollutant emitted from a category of fossil fuel fired stationary sources to which subsection (b) applies, a standard—

“(i) establishing allowable emission limitations for such category of sources, and

“(ii) requiring the achievement of a percentage reduction in the emissions from such category of sources from the emissions which would have resulted from the use of fuels which are not subject to treatment prior to combustion,

“(B) with respect to any air pollutant emitted from a category of stationary sources (other than fossil fuel fired sources) to which subsection (b) applies, a standard such as that referred to in subparagraph (A) (i); and

“(C) with respect to any air pollutant emitted from a particular source to which subsection (d) applies, a standard which the State (or the Administrator under the conditions specified in subsection (d) (2)) determines is applicable to that source and which reflects the degree of emission reduction achievable through the application of the best system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated for that category of sources.

Ante, p. 699.

For the purpose of subparagraphs (A) (i) and (ii) and (B), a standard of performance shall reflect the degree of emission limitation and the percentage reduction achievable through application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated. For the purpose of subparagraph (1) (A) (ii), any cleaning of the fuel or reduction in the pollution characteristics of the fuel after extraction and prior to combustion may be credited, as determined under regulations promulgated by the Administrator, to a source which burns such fuel.”

“Technological system of continuous emission reduction.”
Post, p. 703.
 42 USC 7411.

(B) Section 111(a) of such Act is further amended by adding the following new paragraph at the end thereof:

“(7) The term ‘technological system of continuous emission reduction’ means—

“(A) a technological process for production or operation by any source which is inherently low-polluting or nonpolluting, or

“(B) a technological system for continuous reduction of the pollution generated by a source before such pollution is emitted into the ambient air, including precombustion cleaning or treatment of fuels.”

Standards for new sources, revision.

(2) Section 111(b) (1) (B) of such Act is amended by striking out “may, from time to time,” in the next to last sentence thereof and by inserting in lieu thereof “shall, at least every four years, review and, if appropriate.”

(3) Section 111(b) of such Act is further amended by inserting at the end thereof the following:

“(5) Except as otherwise authorized under subsection (h), nothing in this section shall be construed to require, or to authorize the Admin-

istrator to require, any new or modified source to install and operate any particular technological system of continuous emission reduction to comply with any new source standard of performance.

“(6) The revised standards of performance required by enactment of subsection (a) (1) (A) (i) and (ii) shall be promulgated not later than one year after enactment of this paragraph. Any new or modified fossil fuel fired stationary source which commences construction prior to the date of publication of the proposed revised standards shall not be required to comply with such revised standards.”

Revised
standards,
enactment date.
Ante, p. 699.

(d) (1) The second sentence of section 111(c) (1) is amended by striking out “(except with respect to new sources owned or operated by the United States)”.

42 USC 7411.

(2) The second sentence of section 112(d) (1) is amended by striking out “(except with respect to stationary sources owned or operated by the United States)”.

42 USC 7412.

(3) The second sentence of section 114(b) (1) is amended by striking out “(except with respect to new sources owned or operated by the United States)”.

42 USC 7414.

(e) Section 111 of such Act is amended by adding the following new subsections at the end thereof:

Permit
conditions.
Ante, p. 697.

“(j) As a condition for issuance of any permit required under this title, the owner or operator of each new or modified stationary source which is required to obtain such a permit must show to the satisfaction of the permitting authority that the technological system of continuous emission reduction which is to be used at such source will enable it to comply with the standards of performance which are to apply to such source and that the construction or modification and operation of such source will be in compliance with all other requirements of this Act.

“(k) (1) (A) Any person proposing to own or operate a new source may request the Administrator for one or more waivers from the requirements of this section for such source or any portion thereof with respect to any air pollutant to encourage the use of an innovative technological system or systems of continuous emission reduction. The Administrator may, with the consent of the Governor of the State in which the source is to be located, grant a waiver under this paragraph, if the Administrator determines after notice and opportunity for public hearing, that—

Waiver.

Notice and
hearing.

“(i) the proposed system or systems have not been adequately demonstrated,

“(ii) the proposed system or systems will operate effectively and there is a substantial likelihood that such system or systems will achieve greater continuous emission reduction than that required to be achieved under the standards of performance which would otherwise apply, or achieve at least an equivalent reduction at lower cost in terms of energy, economic, or nonair quality environmental impact,

“(iii) the owner or operator of the proposed source has demonstrated to the satisfaction of the Administrator that the proposed system will not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation, function, or malfunction, and

“(iv) the granting of such waiver is consistent with the requirements of subparagraph (C).

In making any determination under clause (ii), the Administrator shall take into account any previous failure of such system or systems to operate effectively or to meet any requirement of the new source performance standards. In determining whether an unreasonable risk

Ante, p. 700;
Post, p. 791.
 Tests.

Waiver terms and
 conditions.

Post, pp. 704,
 705.

Termination date.

Requirements
 extension.

exists under clause (iii), the Administrator shall consider, among other factors, whether and to what extent the use of the proposed technological system will cause, increase, reduce, or eliminate emissions of any unregulated pollutants; available methods for reducing or eliminating any risk to public health, welfare, or safety which may be associated with the use of such system; and the availability of other technological systems which may be used to conform to standards under subsection (b) of this section without causing or contributing to such unreasonable risk. The Administrator may conduct such tests and may require the owner or operator of the proposed source to conduct such tests and provide such information as is necessary to carry out clause (iii) of this subparagraph. Such requirements shall include a requirement for prompt reporting of the emission of any unregulated pollutant from a system if such pollutant was not emitted, or was emitted in significantly lesser amounts without use of such system.

“(B) A waiver under this paragraph shall be granted on such terms and conditions as the Administrator determines to be necessary to assure—

“(i) emissions from the source will not prevent attainment and maintenance of any national ambient air quality standards, and

“(ii) proper functioning of the technological system or systems authorized.

Any such term or condition shall be treated as a standard of performance for the purposes of subsection (e) of this section and section 113.

“(C) The number of waivers granted under this paragraph with respect to a proposed technological system of continuous emission reduction shall not exceed such number as the Administrator finds necessary to ascertain whether or not such system will achieve the conditions specified in clauses (ii) and (iii) of subparagraph (A).

“(D) A waiver under this paragraph shall extend to the sooner of—

“(i) the date determined by the Administrator, after consultation with the owner or operator of the source, taking into consideration the design, installation, and capital cost of the technological system or systems being used, or

“(ii) the date on which the Administrator determines that such system has failed to—

“(I) achieve at least an equivalent continuous emission reduction to that required to be achieved under the standards of performance which would otherwise apply, or

“(II) comply with the condition specified in paragraph (1) (A) (iii),

and that such failure cannot be corrected.

“(E) In carrying out subparagraph (D) (i), the Administrator shall not permit any waiver for a source or portion thereof to extend beyond the date—

“(i) seven years after the date on which any waiver is granted to such source or portion thereof, or

“(ii) four years after the date on which such source or portion thereof commences operation,

whichever is earlier.

“(F) No waiver under this subsection shall apply to any portion of a source other than the portion on which the innovative technological system or systems of continuous emission reduction is used.

“(2) (A) If a waiver under paragraph (1) is terminated under clause (ii) of paragraph (1) (D), the Administrator shall grant an

extension of the requirements of this section for such source for such minimum period as may be necessary to comply with the applicable standard of performance under subsection (b) of this section. Such period shall not extend beyond the date three years from the time such waiver is terminated.

Ante, p. 700;
Post, p. 791.

“(8) An extension granted under this paragraph shall set forth emission limits and a compliance schedule containing increments of progress which require compliance with the applicable standards of performance as expeditiously as practicable and include such measures as are necessary and practicable in the interim to minimize emissions. Such schedule shall be treated as a standard of performance for purposes of subsection (e) of this section and section 113.”.

Emission limits.
Compliance
schedule.
42 USC 7413.

(f) Section 111(a) of such Act is amended by adding the following new paragraph at the end thereof:

Post, pp. 704,
705.
Ante, p. 700.

“(7) A conversion to coal (A) by reason of an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 or any amendment thereto, or any subsequent enactment which supersedes such Act, or (B) which qualifies under section 113(d) (5) (A) (ii) of this Act, shall not be deemed to be a modification for purposes of paragraphs (2) and (4) of this subsection.”.

15 USC 792.

Post, p. 705.

EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

SEC. 110. Section 112 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

Design or
equipment
standards.
42 USC 7412.

“(e) (1) For purposes of this section, if in the judgment of the Administrator, it is not feasible to prescribe or enforce an emission standard for control of a hazardous air pollutant or pollutants, he may instead promulgate a design, equipment, work practice, or operational standard, or combination thereof, which in his judgment is adequate to protect the public health from such pollutant or pollutants with an ample margin of safety. In the event the Administrator promulgates a design or equipment standard under this subsection, he shall include as part of such standard such requirements as will assure the proper operation and maintenance of any such element of design or equipment.

“(2) For the purpose of this subsection, the phrase ‘not feasible to prescribe or enforce an emission standard’ means any situation in which the Administrator determines that (A) a hazardous pollutant or pollutants cannot be emitted through a conveyance designed and constructed to emit or capture such pollutant, or that any requirement for, or use of, such a conveyance would be inconsistent with any Federal, State, or local law, or (B) the application of measurement methodology to a particular class of sources is not practicable due to technological or economic limitations.

“Not feasible to
prescribe or
enforce an
emission
standard.”

“(3) If after notice and opportunity for public hearing, any person establishes to the satisfaction of the Administrator that an alternative means of emission limitation will achieve a reduction in emissions of any air pollutant at least equivalent to the reduction in emissions of such air pollutant achieved under the requirements of paragraph (1), the Administrator shall permit the use of such alternative by the source for purposes of compliance with this section with respect to such pollutant.

Alternative
emission
limitation.
Notice and
hearing.

“(4) Any standard promulgated under paragraph (1) shall be promulgated in terms of an emission standard whenever it becomes feasible to promulgate and enforce such standard in such terms.”.

ENFORCEMENT PROVISIONS

Administrative
order.
42 USC 7413.

SEC. 111. (a) Section 113(a) of the Clean Air Act is amended by inserting the following new paragraph at the end thereof:

“(5) Whenever, on the basis of information available to him, the Administrator finds that a State is not acting in compliance with any requirement of the regulation referred to in section 129(a)(1) of the Clean Air Act Amendments of 1977 (relating to certain interpretative regulations) or any plan provisions required under section 110(a)(2)(I) and part D, he may issue an order prohibiting the construction or modification of any major stationary source in any area to which such provisions apply or he may bring a civil action under subsection (b)(5).”.

Post, p. 745.

Ante, p. 694.
Post, p. 746.

Infra.

(b)(1) So much of section 113(b) of such Act as precedes paragraph (1) thereof is amended to read as follows:

“(b) The Administrator shall, in the case of any person which is the owner or operator of a major stationary source, and may, in the case of any other person, commence a civil action for a permanent or temporary injunction, or to assess and recover a civil penalty of not more than \$25,000 per day of violation, or both, whenever such person—”.

Post, p. 714.

Penalty.

(2) Section 113(b) of such Act is amended by inserting the following after the first sentence thereof: “The Administrator may commence a civil action for recovery of any noncompliance penalty under section 120 or for recovery of any nonpayment penalty for which any person is liable under section 120 or for both.”.

(b) Section 113(b) of such Act is amended by striking out the penultimate sentence thereof and substituting: “Any action under this subsection may be brought in the district court of the United States for the district in which the violation occurred or in which the defendant resides or has his principal place of business, and such court shall have jurisdiction to restrain such violation, to require compliance, to assess such civil penalty and to collect any noncompliance penalty (and nonpayment penalty) owed under section 120. In determining the amount of any civil penalty to be assessed under this subsection, the court shall take into consideration (in addition to other factors) the size of the business, the economic impact of the penalty on the business, and the seriousness of the violation.”.

Costs.

(3) Section 113(b) of such Act is amended by adding the following at the end thereof: “In the case of any action brought by the Administrator under this subsection, the court may award costs of litigation (including reasonable attorney and expert witness fees) to the party or parties against whom such action was brought in any case where the court finds that such action was unreasonable.”.

Post, pp. 709,
712.

Post, p. 782.

(c)(1) Section 113(b)(3) of such Act is amended by striking out “or section 119(g)” and inserting in lieu thereof “section 119(g) (as in effect before the date of the enactment of the Clean Air Act Amendments of 1977), subsection (d)(5) (relating to coal conversion) section 320 (relating to cost of certain vapor recovery), section 119 (relating to smelter orders) or any regulation under part B (relating to ozone)”.

(2) Section 113(b)(4) of such Act is amended by inserting “or subsection (d) of this section” after “114”.

(3) Section 113(b) of such Act is amended by striking out “or” at the end of paragraph (3), striking out the period at the end of paragraph (4) and substituting “; or”, and inserting the following new paragraph at the end thereof:

- “(5) attempts to construct or modify a major stationary source in any area with respect to which a finding under subsection (a) (5) has been made.”.
- (d) (1) Section 113(c) (1) (B) of such Act is amended to read as follows:
- “(B) violates or fails or refuses to comply with any order under section 119 or under subsection (a) or (d) of this section, or”;
- (2) Section 113(c) (1) of such Act is amended by striking out “or” at the end of subparagraph (B), by striking out “section 112(c), or section 119(g)” and inserting in lieu thereof: “section 112(c), or
- “(D) violates any requirement of section 119(g) (as in effect before the date of the enactment of this Act) subsection (b) (7) or (d) (5) of section 120 (relating to noncompliance penalties) or any requirement of part B (relating to ozone)”.
- (3) Section 113(c) of such Act is amended by adding the following new paragraph at the end thereof:
- “(3) For the purpose of this subsection, the term ‘person’ includes, in addition to the entities referred to in section 302(e), any responsible corporate officer.”.

Penalties.
42 USC 7413.

Post, pp. 709,
712.

Supra.

Post, p. 714.

Post, p. 726.

“Person.”
Supra.

Post, p. 770.

COMPLIANCE ORDERS (INCLUDING COAL CONVERSION)

SEC. 112. (a) Section 113 of the Clean Air Act is amended by adding the following new subsection:

Ante, p. 704.

“(d) (1) A State (or, after thirty days notice to the State, the Administrator) may issue an order for any stationary source which specifies a date for final compliance with any requirement of an applicable implementation plan later than the date for attainment of any national ambient air quality standard specified in such plan if—

“(A) such order is issued after notice to the public (and, as appropriate, to the Administrator) containing the content of the proposed order and opportunity for public hearing;

Public notice and
hearing.

“(B) the order contains a schedule and timetable for compliance;

“(C) the order requires compliance with applicable interim requirements as provided in paragraph (5) (B) (relating to sources converting to coal), and paragraph (6) and (7) (relating to all sources receiving such orders) and requires the emission monitoring and reporting by the source authorized to be required under sections 110(a) (2) (F) and 114(a) (1);

Ante, p. 693.
Post, p. 776

“(D) the order provides for final compliance with the requirement of the applicable implementation plan as expeditiously as practicable, but (except as provided in paragraph (4) or (5)) in no event later than July 1, 1979, or three years after the date for final compliance with such requirement specified in such plan, whichever is later; and

“(E) in the case of a major stationary source, the order notifies the source that it will be required to pay a noncompliance penalty under section 120 or by such later date as is set forth in the order in accordance with section 120 in the event such source fails to achieve final compliance by July 1, 1979.

Noncompliance
penalty.

“(2) In the case of any major stationary source, no such order issued by the State shall take effect until the Administrator determines that such order has been issued in accordance with the requirements of this Act. In the case of any source other than a major stationary source, such order issued by the State shall cease to be effective upon a deter-

mination by the Administrator that it was not issued in accordance with the requirements of this Act. If the Administrator so objects, he shall simultaneously proceed to issue an enforcement order in accordance with subsection (a) or an order under this subsection. Nothing in this section shall be construed as limiting the authority of a State or political subdivision to adopt and enforce a more stringent emission limitation or more expeditious schedule or timetable for compliance than that contained in an order by the Administrator.

“(3) If any source not in compliance with any requirement of an applicable implementation plan gives written notification to the State (or the Administrator) that such source intends to comply by means of replacement of the facility, a complete change in production process, or a termination of operation, the State (or the Administrator) may issue an order under paragraph (1) of this subsection permitting the source to operate until July 1, 1979, without any interim schedule of compliance: *Provided*, That as a condition of the issuance of any such order, the owner or operator of such source shall post a bond or other surety in an amount equal to the cost of actual compliance by such facility and any economic value which may accrue to the owner or operator of such source by reason of the failure to comply. If a source for which the bond or other surety required by this paragraph has been posted fails to replace the facility, change the production process, or terminate the operations as specified in the order by the required date, the owner or operator shall immediately forfeit on the bond or other surety and the State (or the Administrator) shall have no discretion to modify the order under this paragraph or to compromise the bond or other surety.

“(4) An order under paragraph (1) of this subsection may be issued to an existing stationary source if—

“(A) the source will expeditiously use new means of emission limitation which the Administrator determines is likely to be adequately demonstrated (within the meaning of section 111(a) (1) upon expiration of the order,

“(B) such new means of emission limitation is not likely to be used by such source unless an order is granted under this subsection.

“(C) such new means of emission limitation is determined by the Administrator to have a substantial likelihood of—

“(i) achieving greater continuous emission reduction than the means of emission limitation which, but for such order, would be required; or

“(ii) achieving an equivalent continuous reduction at lower cost in terms of energy, economic, or nonair quality environmental impact; and

“(D) compliance by the source with the requirement of the applicable implementation plan would be impracticable prior to, or during, the installation of such new means.

Such an order shall provide for final compliance with the requirement in the applicable implementation plan as expeditiously as practicable, but in no event later than five years after the date on which the source would otherwise be required to be in full compliance with the requirement.

“(5) (A) In the case of a major stationary source which is burning petroleum products or natural gas, or both and which—

“(i) is prohibited from doing so under an order pursuant to the provisions of section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 or any amendment thereto, or

Bond.

Emission
limitation.

Ante, p. 699.

any subsequent enactment which supersedes such provisions, or
“(ii) within one year after enactment of the Clean Air Act Amendments of 1977 gives notice of intent to convert to coal as its primary energy source because of actual or anticipated curtailment of natural gas supplies under any curtailment plan or schedule approved by the Federal Power Commission (or, in the case of intrastate natural gas supplies, approved by the appropriate State regulatory commission),

and which thereby would no longer be in compliance with any requirement under an applicable implementation plan, an order may be issued by the Administrator under paragraph (1) of this subsection for such source which specifies a date for final compliance with such requirement as expeditiously as practicable, but not later than December 31, 1980. The Administrator may issue an additional order under paragraph (1) of this subsection for such source providing an additional period of such source to come into compliance with the requirement in the applicable implementation plan, which shall be as expeditiously as practicable, but in no event later than five years after the date required for compliance under the preceding sentence.

“(B) In issuing an order pursuant to subparagraph (A), the Administrator shall prescribe (and may from time to time modify) emission limitations, requirements respecting pollution characteristics of coal, or other enforceable measures for control of emissions for each source to which such an order applies. Such limitations, requirements, and measures shall be those which the Administrator determines must be complied with by the source in order to assure (throughout the period before the date for final compliance established in the order) that the burning of coal by such source will not result in emissions which cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant.

“(C) The Administrator may, by regulation, establish priorities under which manufacturers of continuous emission reduction systems necessary to carry out this paragraph shall provide such systems to users thereof, if he finds, after consultation with the States, that priorities must be imposed in order to assure that such systems are first provided to sources subject to orders under this paragraph in air quality control regions in which national primary ambient air quality standards have not been achieved. No regulation under this subparagraph may impair the obligation of any contract entered into before the date of enactment of the Clean Air Act Amendments of 1977. Priorities.

“(D) No order issued to a source under this paragraph with respect to an air pollutant shall be effective if the national primary ambient air quality standard with respect to such pollutant is being exceeded at any time in the air quality control region in which such source is located. The preceding sentence shall not apply to a source if, upon submission by any person of evidence satisfactory to the Administrator, the Administrator determines (after notice and public hearing)—

“(i) that emissions of such air pollutant from such source will affect only infrequently the air quality concentrations of such pollutant in each portion of the region where such standard is being exceeded at any time;

“(ii) that emissions of such air pollutant from such source will have only insignificant effect on the air quality concentrations of such pollutant in each portion of the region where such standard is being exceeded at any time; and

“(iii) with reasonable statistical assurance that emissions of such air pollutant from such source will not cause or contribute

to air quality concentrations of such pollutant in excess of the national primary ambient air quality standard for such pollutant.

"(6) An order issued to a source under this subsection shall set forth compliance schedules containing increments of progress which require compliance with the requirement postponed as expeditiously as practicable.

"(7) A source to which an order is issued under paragraph (1), (3), (4), or (5) of this subsection shall use the best practicable system or systems of emission reduction (as determined by the Administrator taking into account the requirement with which the source must ultimately comply) for the period during which such order is in effect and shall comply with such interim requirements as the Administrator determines are reasonable and practicable. Such interim requirements shall include—

Interim
requirements.

"(A) such measures as the Administrator determines are necessary to avoid an imminent and substantial endangerment to health of persons, and

"(B) a requirement that the source comply with the requirements of the applicable implementation plan during any such period insofar as such source is able to do so (as determined by the Administrator).

Termination of
order.

"(8) Any order under paragraph (1) or (3) of this subsection shall be terminated if the Administrator determines on the record, after notice and hearing, that the inability of the source to comply no longer exists. If the owner or operator of the source to which the order is issued demonstrates that prompt termination of such order would result in undue hardship, the termination shall become effective at the earliest practicable date on which such undue hardship would not result, but in no event later than the date required under this subsection.

Violations.

"(9) If the Administrator determines that a source to which an order is issued under this subsection is in violation of any requirement of this subsection, he shall—

"(A) enforce such requirement under subsections (a), (b), or (c) of this section,

"(B) (after notice and opportunity for public hearing) revoke such order and enforce compliance with the requirement with respect to which such order was granted,

"(C) give notice of noncompliance and commence action under section 120, or

"(D) take any appropriate combination of such actions.

Post, p. 714.

"(10) During the period of the order issued under this subsection and where the owner or operator is in compliance with the terms of such order, no other enforcement action pursuant to this section or section 304 of this Act shall be pursued against such owner or operator based upon noncompliance during the period the order is in effect with the requirement for the source covered by such order.

Post, pp. 771,
772.

"(11) For the purposes of sections 110, 304, and 307 of this Act, any order issued by the State (and approved by the Administrator) pursuant to this subsection shall become part of the applicable implementation plan.

Ante, pp.
691-696;
Post, pp. 772,
776, 777.

"(12) Any enforcement order issued under subsection (a) of this section or any consent decree in an enforcement action which is in effect on the day of enactment of the Clean Air Act Amendments of 1977 shall remain in effect to the extent that such order or consent decree is (A) not inconsistent with the requirements of this subsection and section 119 or (B) the administrative orders on consent issued by the

Post, pp. 709,
710.

Administrator on November 5, 1975 and February 26, 1976 and requiring compliance with sulfur dioxide emission limitations or standards at least as stringent as those promulgated under section 111. Any such enforcement order issued under subsection (a) of this section or consent decree which provides for an extension beyond July 1, 1979, except such administrative orders on consent, is void unless modified under this subsection within one year after the enactment of the Clean Air Act Amendments of 1977 to comply with the requirements of this subsection."

Ante, pp. 697,
699-701, 703;
Post, p. 791.

(b) (1) Section 119 of such Act is hereby repealed. All references to such section 119 or subsections thereof in section 2 of the Energy Supply and Environmental Coordination Act of 1974 (Public Law 93-319) or any amendment thereto, or any subsequent enactment which supersedes such Act, shall be construed to refer to section 113(d) of the Clean Air Act and to paragraph (5) thereof in particular. Any certification or notification required to be given by the Administrator of the Environmental Protection Agency under section 2 of the Energy Supply and Environmental Coordination Act of 1974 or any amendment thereto, or any subsequent enactment which supersedes such Act, shall be given only when the Governor of the State in which is located the source to which the proposed order under section 113(d) (5) of the Clean Air Act is to be issued gives his prior written concurrence.

Repeal.
Post, p. 712.
42 USC
1857c-10.
15 USC 792 note.
15 USC 792.
Ante, p. 705.

(2) In the case of any major stationary source to which any requirement is applicable under section 113(d) (5) (B) of the Clean Air Act and for which certification is required under section 2 of the Energy Supply and Environmental Coordination Act of 1974 or any amendment thereto, or any subsequent enactment which supersedes such Act, the Administrator of the Environmental Protection Agency shall certify the date which he determines is the earliest date that such source will be able to comply with all such requirements. In the case of any plant or installation which the Administrator of the Environmental Protection Agency determines (after consultation with the State) will not be subject to an order under section 113(d) of the Clean Air Act and for which certification is required under section 2 of the Energy Supply and Environmental Coordination Act of 1974 or any amendment thereto, or any subsequent enactment which supersedes such Act, the Administrator of the Environmental Protection Agency shall certify the date which he determines is the earliest date that such plant or installation will be able to burn coal in compliance with all applicable emission limitations under the implementation plan.

(3) Any certification required under section 2 of the Energy Supply and Environmental Coordination Act of 1974 or any amendment thereto, or any subsequent enactment which supersedes such Act, or under this subsection may be provided in an order under section 113(d) of the Clean Air Act.

NOTICE TO STATE IN CASE OF CERTAIN INSPECTIONS, ETC.

SEC. 113. Section 114 of the Clean Air Act is amended by adding at the end thereof the following new subsection:

42 USC 7414.

"(d) (1) In the case of any emission standard or limitation or other requirement which is adopted by a State, as part of an applicable implementation plan or as part of an order under section 113(d), before carrying out an entry, inspection, or monitoring under paragraph (2) of subsection (a) with respect to such standard, limitation,

or other requirement, the Administrator (or his representatives) shall provide the State air pollution control agency with reasonable prior notice of such action, indicating the purpose of such action. No State agency which receives notice under this paragraph of an action proposed to be taken may use the information contained in the notice to inform the person whose property is proposed to be affected of the proposed action. If the Administrator has reasonable basis for believing that a State agency is so using or will so use such information, notice to the agency under this paragraph is not required until such time as the Administrator determines the agency will no longer so use information contained in a notice under this paragraph. Nothing in this section shall be construed to require notification to any State agency of any action taken by the Administrator with respect to any standard, limitation, or other requirement which is not part of an applicable implementation plan or which was promulgated by the Administrator under section 110(c).

Ante, p. 694.

“(2) Nothing in paragraph (1) shall be construed to provide that any failure of the Administrator to comply with the requirements of such paragraph shall be a defense in any enforcement action brought by the Administrator or shall make inadmissible as evidence in any such action any information or material obtained notwithstanding such failure to comply with such requirements.

INTERNATIONAL AIR POLLUTION

42 USC 7415.

SEC. 114. Section 115 of the Clean Air Act is amended to read as follows:

“INTERNATIONAL AIR POLLUTION

“SEC. 115. (a) Whenever the Administrator, upon receipt of reports, surveys or studies from any duly constituted international agency has reason to believe that any air pollutant or pollutants emitted in the United States cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare in a foreign country or whenever the Secretary of State requests him to do so with respect to such pollution which the Secretary of State alleges is of such a nature, the Administrator shall give formal notification thereof to the Governor of the State in which such emissions originate.

Plan revision.
Ante, pp. 693,
694.

“(b) The notice of the Administrator shall be deemed to be a finding under section 110(a) (2) (H) (ii) which requires a plan revision with respect to so much of the applicable implementation plan as is inadequate to prevent or eliminate the endangerment referred to in subsection (a). Any foreign country so affected by such emission of pollutant or pollutants shall be invited to appear at any public hearing associated with any revision of the appropriate portion of the applicable implementation plan.

“(c) This section shall apply only to a foreign country which the Administrator determines has given the United States essentially the same rights with respect to the prevention or control of air pollution occurring in that country as is given that country by this section.

“(d) Recommendations issued following any abatement conference conducted prior to the enactment of the Clean Air Act Amendments of 1977 shall remain in effect with respect to any pollutant for which no national ambient air quality standard has been established under section 109 of this Act unless the Administrator, after consultation

Ante, p. 691.

with all agencies which were party to the conference, rescinds any such recommendation on grounds of obsolescence.”.

PRESIDENT'S AIR QUALITY ADVISORY BOARD

SEC. 115. Section 117 of the Clean Air Act is amended—

42 USC 7417.

- (1) to strike subsections (a) through (c);
- (2) to renumber subsections (d) and (e) as subsections (a) and (b), respectively; and
- (3) to amend redesignated subsection (b)—
 - (A) by striking the words “the Board and” the first time the word “Board” appears and inserting in lieu thereof the word “any”; and
 - (B) by striking the words “of the Board” the second time the word “Board” appears.

CONTROL OF POLLUTION FROM FEDERAL FACILITIES

SEC. 116. (a) Section 118 of the Clean Air Act, relating to control of pollution from Federal facilities, is amended—

42 USC 7418.

- (1) by inserting “(a)” after “118”, and
- (2) by striking out “shall comply with Federal, State, interstate, and local requirements respecting control and abatement of air pollution to the same extent that any person is subject to such requirements” and inserting in lieu thereof “and each officer, agent, or employee thereof, shall be subject to, and comply with, all Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of air pollution in the same manner, and to the same extent as any nongovernmental entity. The preceding sentence shall apply (A) to any requirement whether substantive or procedural (including any recordkeeping or reporting requirement, any requirement respecting permits and any other requirement whatsoever), (B) to the exercise of any Federal, State, or local administrative authority, and (C) to any process and sanction, whether enforced in Federal, State, or local courts or in any other manner. This subsection shall apply notwithstanding any immunity of such agencies, officers, agents, or employees under any law or rule of law. No officer, agent, or employee of the United States shall be personally liable for any civil penalty for which he is not otherwise liable.”.

(b) Section 118 of such Act is amended by striking out “The President may exempt” and inserting in lieu thereof:

“(b) The President may exempt”.

(c) Section 118(b) of such Act, as amended by subsection (b) of this Act, is amended by inserting the following immediately before the last sentence thereof: “In addition to any such exemption of a particular emission source, the President may, if he determines it to be in the paramount interest of the United States to do so, issue regulations exempting from compliance with the requirements of this section any weaponry, equipment, aircraft, vehicles, or other classes or categories of property which are owned or operated by the Armed Forces of the United States (including the Coast Guard) or by the National Guard of any State and which are uniquely military in nature. The President shall reconsider the need for such regulations at three-year intervals.”.

Exemption.

Regulations.

PRIMARY NONFERROUS SMELTER ORDERS

42 USC 7401.

SEC. 117. (a) Title I of the Clean Air Act is amended by inserting immediately before section 101 the following: "PART A—AIR QUALITY AND EMISSION LIMITATIONS".

(b) Part A of title I of the Clean Air Act is amended by adding the following new section at the end thereof:

"PRIMARY NONFERROUS SMELTER ORDERS

Ante, p. 709.
42 USC 7419.

"SEC. 119. (a) (1) Upon application by the owner or operator of a primary nonferrous smelter, a primary nonferrous smelter order under subsection (b) may be issued—

"(A) by the Administrator, after thirty days' notice to the State, or

"(B) by the State in which such source is located, but no such order issued by the State shall take effect until the Administrator determines that such order has been issued in accordance with the requirements of this Act.

Not later than ninety days after submission by the State to the Administrator of notice of the issuance of a primary nonferrous smelter order under this section, the Administrator shall determine whether or not such order has been issued by the State in accordance with the requirements of this Act. If the Administrator determines that such order has not been issued in accordance with such requirements, he shall conduct a hearing respecting the reasonably available control technology for primary nonferrous smelters.

Hearing.

"(2) (A) An order issued under this section to a primary nonferrous smelter shall be referred to as a 'primary nonferrous smelter order'. No primary nonferrous smelter may receive both an enforcement order under section 113(d) and a primary nonferrous smelter order under this section.

Ante, p. 705.

Statement.

"(B) Before any hearing conducted under this section, in the case of an application made by the owner or operator of a primary nonferrous smelter for a second order under this section, the applicant shall furnish the Administrator (or the State as the case may be) with a statement of the grounds on which such application is based (including all supporting documents and information). The statement of the grounds for the proposed order shall be provided by the Administrator or the State in any case in which such State or Administrator is acting on its own initiative. Such statement (including such documents and information) shall be made available to the public for a thirty-day period before such hearing and shall be considered as part of such hearing. No primary nonferrous smelter order may be granted unless the applicant establishes that he meets the conditions required for the issuance of such order (or the Administrator or State establishes the meeting of such conditions when acting on their own initiative).

Findings.

"(C) Any decision with respect to the issuance of a primary nonferrous smelter order shall be accompanied by a concise statement of the findings and of the basis of such findings.

"(b) A primary nonferrous smelter order under this section may be issued to a primary nonferrous smelter if—

"(1) such smelter is in existence on the date of the enactment of this section;

"(2) the requirement of the applicable implementation plan with respect to which the order is issued is an emission limitation

or standard for sulfur oxides which is necessary and intended to be itself sufficient to enable attainment and maintenance of national primary and secondary ambient air quality standards for sulfur oxides; and

“(3) such smelter is unable to comply with such requirement by the applicable date for compliance because no means of emission limitation applicable to such smelter which will enable it to achieve compliance with such requirement has been adequately demonstrated to be reasonably available (as determined by the Administrator, taking into account the cost of compliance, non-air quality health and environmental impact, and energy consideration).

“(c)(1) A second order issued to a smelter under this section shall set forth compliance schedules containing increments of progress which require compliance with the requirement postponed as expeditiously as practicable. The increments of progress shall be limited to requiring compliance with subsection (d) and, in the case of a second order, to procuring, installing, and operating the necessary means of emission limitation as expeditiously as practicable after the Administrator determines such means have been adequately demonstrated to be reasonably available within the meaning of subsection (b)(3). **Orders.**

“(2) Not in excess of two primary nonferrous smelter orders may be issued under this section to any primary nonferrous smelter. The first such order issued to a smelter shall not result in the postponement of the requirement with respect to which such order is issued beyond January 1, 1983. The second such order shall not result in the postponement of such requirement beyond January 1, 1988.

“(d)(1)(A) Each primary nonferrous smelter to which an order is issued under this section shall be required to use such interim measures for the period during which such order is in effect as may be necessary in the judgment of the Administrator to assure attainment and maintenance of the national primary and secondary ambient air quality standards during such period, taking into account the aggregate effect on air quality of such order together with all variances, extensions, waivers, enforcement orders, delayed compliance orders and primary nonferrous smelter orders previously issued under this Act. **Interim measures.**

“(B) Such interim requirements shall include—

“(i) a requirement that the source to which the order applies comply with such reporting requirements and conduct such monitoring as the Administrator determines may be necessary, and

“(ii) such measures as the Administrator determines are necessary to avoid an imminent and substantial endangerment to health of persons.

“(C) Such interim measures shall also, except as provided in paragraph (2), include continuous emission reduction technology. The Administrator shall condition the use of any such interim measures upon the agreement of the owner or operator of the smelter— **Agreement.**

“(i) to comply with such conditions as the Administrator determines are necessary to maximize the reliability and enforceability of such interim measures, as applied to the smelter, in attaining and maintaining the national ambient air quality standards to which the order relates, and

“(ii) to commit reasonable resources to research and development of appropriate emission control technology.

“(2) The requirement of paragraph (1) for the use of continuous **Waiver. Notice and hearing.**

emission reduction technology may be waived with respect to a particular smelter by the State or the Administrator, after notice and a hearing on the record, and upon a showing by the owner or operator of the smelter that such requirement would be so costly as to necessitate permanent or prolonged temporary cessation of operations of the smelter. Upon application for such waiver, the Administrator shall be notified and shall, within ninety days, hold a hearing on the record in accordance with section 554 of title 5 of the United States Code. At such hearing the Administrator shall require the smelter involved to present information relating to any alleged cessation of operations and the detailed reasons or justifications therefor. On the basis of such hearing the Administrator shall make findings of fact as to the effect of such requirement and on the alleged cessation of operations and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public, and shall be taken into account by the State or the Administrator in making the decision whether or not to grant such waiver.

Information,
availability to
public.

Investigation.

Post, p. 781.
Notice and
hearing.

"(3) In order to obtain information for purposes of a waiver under paragraph (2), the Administrator may, on his own motion, conduct an investigation and use the authority of section 319.

"(4) In the case of any smelter which on the date of enactment of this section uses continuous emission reduction technology and supplemental controls and which receives an initial primary nonferrous smelter order under this section, no additional continuous emission reduction technology shall be required as a condition of such order unless the Administrator determines, at any time, after notice and public hearing, that such additional continuous emission reduction technology is adequately demonstrated to be reasonably available for the primary nonferrous smelter industry.

Hearing.

Termination,
notice and
hearing.

"(e) At any time during which such order applies, the Administrator may enter upon a public hearing respecting the availability of technology. Any order under this section shall be terminated if the Administrator determines on the record, after notice and public hearing, that the conditions upon which the order was based no longer exist. If the owner or operator of the smelter to which the order is issued demonstrates that prompt termination of such order would result in undue hardship, the termination shall become effective at the earliest practicable date on which such undue hardship would not result, but in no event later than the date required under subsection (c).

"(f) If the Administrator determines that a smelter to which an order is issued under this section is in violation of any requirement of subsection (c) or (d), he shall—

"(1) enforce such requirement under section 113,

"(2) (after notice and opportunity for public hearing) revoke such order and enforce compliance with the requirement with respect to which such order was granted,

"(3) give notice of noncompliance and commence action under section 120, or

"(4) take any appropriate combination of such actions."

Ante, pp. 704,
705.

Infra.

NONCOMPLIANCE PENALTY

SEC. 118. Part A of title I of the Clean Air Act is amended by adding the following new section at the end thereof:

“NONCOMPLIANCE PENALTY

“Sec. 120. (a) (1) (A) Not later than 6 months after the date of enactment of this section, and after notice and opportunity for a public hearing, the Administrator shall promulgate regulations requiring the assessment and collection of a noncompliance penalty against persons referred to in paragraph (2) (A).

Notice and hearing.
Regulations.
42 USC 7420.

“(B) (i) Each State may develop and submit to the Administrator a plan for carrying out this section in such State. If the Administrator finds that the State plan meets the requirements of this section, he may delegate to such State any authority he has to carry out this section.

State plans.
Delegation of authority.

“(ii) Notwithstanding a delegation to a State under clause (i), the Administrator may carry out this section in such State under the circumstances described in subsection (b) (2) (B).

“(2) (A) Except as provided in subparagraph (B) or (C) of this paragraph, the State or the Administrator shall assess and collect a noncompliance penalty against every person who owns or operates—

“(i) a major stationary source (other than a primary nonferrous smelter which has received a primary nonferrous smelter order under section 119) which is not in compliance with any emission limitation, emission standard or compliance schedule under any applicable implementation plan, or

“(ii) a stationary source which is not in compliance with an emission limitation, emission standard, standard of performance, or other requirement established under section 111 or 112 of this Act, or

“(iii) any source referred to in clause (i) or (ii) (for which an extension, order, or suspension referred to in subparagraph (B) is in effect), or a primary nonferrous smelter which has received a primary nonferrous smelter order under section 119 which is not in compliance with any interim emission control requirement or schedule of compliance under such extension, order, or suspension.

Ante, pp. 697, 699–701, 703;
Post, p. 791;
Ante, pp. 701, 703; *Post*, p. 791.
Ante, pp. 709, 712.

For purposes of subsection (d) (2), in the case of a penalty assessed with respect to a source referred to in clause (iii) of this subparagraph, the costs referred to in such subsection (d) (2) shall be the economic value of noncompliance with the interim emission control requirement or the remaining steps in the schedule of compliance referred to in such clause.

“(B) Notwithstanding the requirements of subparagraph (A) (i) and (ii), the owner or operator of any source shall be exempted from the duty to pay a noncompliance penalty under such requirements with respect to that source if, in accordance with the procedures in subsection (b) (5), the owner or operator demonstrates that the failure of such source to comply with any such requirement is due solely to—

Exemption.

“(i) a conversion by such source from the burning of petroleum products or natural gas, or both, as the permanent primary energy source to the burning of coal pursuant to an order under section 119;

“(ii) in the case of a coal-burning source granted an extension under the second sentence of section 119(c) (1), a prohibition from using petroleum products or natural gas or both, by reason of an order under the provisions of section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 or under any legislation which amends or supersedes such provisions;

15 USC 792.

“(iii) the use of innovative technology sanctioned by an enforcement order under section 113(d) (4);

Ante, p. 705.

- Ante*, p. 705. “(iv) an inability to comply with any such requirement, for which inability the source has received an order under section 113(d) (or an order under section 113 issued before the date of enactment of this section) which has the effect of permitting a delay or violation of any requirement of this Act (including a requirement of an applicable implementation plan) which inability results from reasons entirely beyond the control of the owner or operator of such source or of any entity controlling, controlled by, or under common control with the owner or operator of such source; or
- Ante*, pp. 691, 692. “(v) the conditions by reason of which a temporary emergency suspension is authorized under section 110 (f) or (g).
An exemption under this subparagraph shall cease to be effective if the source fails to comply with the interim emission control requirements or schedules of compliance (including increments of progress) under any such extension, order, or suspension.
- Notice and hearing. “(C) The Administrator may, after notice and opportunity for public hearing, exempt any source from the requirements of this section with respect to a particular instance of noncompliance if he finds that such instance of noncompliance is de minimis in nature and in duration.
- Regulations. “(b) Regulations under subsection (a) shall—
“ (1) permit the assessment and collection of such penalty by the State if the State has a delegation of authority in effect under subsection (a) (1) (B) (i);
“ (2) provide for the assessment and collection of such penalty by the Administrator, if—
“ (A) the State does not have a delegation of authority in effect under subsection (e), or
“ (B) the State has such a delegation in effect but fails with respect to any particular person or source to assess or collect the penalty in accordance with the requirements of this section;
- Notice. “(3) require the States, or in the event the States fail to do so, the Administrator, to give a brief but reasonably specific notice of noncompliance under this section to each person referred to in subsection (a) (2) (A) with respect to each source owned or operated by such person which is not in compliance as provided in such subsection, not later than July 1, 1979, or thirty days after the discovery of such noncompliance, whichever is later;
“ (4) require each person to whom notice is given under paragraph (3) to—
“ (A) calculate the amount of the penalty owed (determined in accordance with subsection (d) (2)) and the schedule of payments (determined in accordance with subsection (d) (3)) for each such source and, within forty-five days after the issuance of such notice or after the denial of a petition under subparagraph (B), to submit that calculation and proposed schedule, together with the information necessary for an independent verification thereof, to the State and to the Administrator, or
- Penalty, calculation. “(B) submit a petition, within forty-five days after the issuance of such notice, challenging such notice of noncompliance or alleging entitlement to an exemption under subsection (a) (2) (B) with respect to a particular source;
- Petition. “(5) require the Administrator to provide a hearing on the
- Hearing.

record (within the meaning of subchapter II of chapter 5 of title 5, United States Code) and to make a decision on such petition (including findings of fact and conclusions of law) not later than ninety days after the receipt of any petition under paragraph (4) (B), unless the State agrees to provide a hearing which is substantially similar to such a hearing on the record and to make a decision on such petition (including such findings and conclusions) within such ninety-day period;

5 USC 551.

“(6) (A) authorize the Administrator on his own initiative to review the decision of the State under paragraph (5) and disapprove it if it is not in accordance with the requirements of this section, and (B) require the Administrator to do so not later than sixty days after receipt of a petition under this subparagraph, notice, and public hearing and a showing by such petitioner that the State decision under paragraph (5) is not in accordance with the requirements of this section;

Review.
Notice and
hearing.

“(7) require payment, in accordance with subsection (d), of the penalty by each person to whom notice of noncompliance is given under paragraph (3) with respect to each noncomplying source for which such notice is given unless there has been a final determination granting a petition under paragraph (4) (B) with respect to such source;

Payment.

“(8) authorize the State or the Administrator to adjust (and from time to time to readjust) the amount of the penalty assessment calculated or the payment schedule proposed by such owner or operator under paragraph (6), if the Administrator finds after notice and opportunity for a hearing on the record that the penalty or schedule does not meet the requirements of this section; and

Adjustment.

“(9) require a final adjustment of the penalty within 180 days after such source comes into compliance in accordance with subsection (d) (4).

A delayed compliance penalty established by a State under this section shall apply unless the Administrator, within ninety days after the date of publication of the proposed penalty under this section, objects in writing to the amount of the penalty as less than would be required to comply with guidelines established by the Administrator. If the Administrator objects, he shall immediately establish a substitute delayed compliance penalty applicable to such facility.

Delayed penalty,
objection.

“(c) If the owner or operator of any stationary source to whom a notice is issued under subsection (b) (3)—

Substitution.

“(1) does not submit a timely petition under subsection (b) (4) (B), or

Contract.

“(2) submits a petition under subsection (b) (4) (B) which is denied, and

fails to submit a calculation of the penalty assessment, a schedule for payment, and the information necessary for independent verification thereof, the State (or the Administrator, as the case may be) may enter into a contract with any person who has no financial interest in the owner or operator of the source (or in any person controlling, controlled by or under common control with such source) to assist in determining the amount of the penalty assessment or payment schedule with respect to such source. The cost of carrying out such contract may be added to the penalty to be assessed against the owner or operator of such source.

Payment.

"(d) (1) All penalties assessed by the Administrator under this section shall be paid to the United States Treasury. All penalties assessed by the State under this section shall be paid to such State.

"(2) The amount of the penalty which shall be assessed and collected with respect to any source under this section shall be equal to—

"(A) the amount determined in accordance with regulations promulgated by the Administrator under subsection (a), which is no less than the quarterly equivalent of the capital costs of compliance and debt service over a normal amortization period, not to exceed ten years, operation and maintenance costs foregone as a result of noncompliance, and any additional economic value which a delay in compliance beyond July 1, 1979, may have for the owner or operator of such source, minus

"(B) the amount of any expenditure made by the owner or operator of that source during any such quarter for the purpose of bringing that source into, and maintaining compliance with, such requirement, to the extent that such expenditures have not been taken into account in the calculation of the penalty under subparagraph (A).

To the extent that any expenditure under subparagraph (B) made during any quarter is not subtracted for such quarter from the costs under subparagraph (A), such expenditure may be subtracted for any subsequent quarter from such costs. In no event shall the amount paid be less than the quarterly payment minus the amount attributed to actual cost of construction.

Quarterly payments.

"(3) (A) The assessed penalty required under this section shall be paid in quarterly installments for the period of covered noncompliance. All quarterly payments (determined without regard to any adjustment or any subtraction under paragraph (2) (B)) after the first payment shall be equal.

"(B) The first payment shall be due on the date six months after the date of issuance of the notice of noncompliance under subsection (b) (3) with respect to any source or on January 1, 1980, whichever is later. Such first payment shall be in the amount of the quarterly installment for the upcoming quarter, plus the amount owed for any preceding period within the period of covered noncompliance for such source.

"Period of covered noncompliance."

"(C) For the purpose of this section, the term 'period of covered noncompliance' means the period which begins—

"(i) two years after the date of enactment of this section, in the case of a source for which notice of noncompliance under subsection (b) (3) is issued on or before the date two years after such date of enactment, or

"(ii) on the date of issuance of the notice of noncompliance under subsection (b) (3), in the case of a source for which such notice is issued after July 1, 1979,

and ending on the date on which such source comes into (or for the purpose of establishing the schedule of payments, is estimated to come into) compliance with such requirement.

Review.

"(4) Upon making a determination that a source with respect to which a penalty has been paid under this section is in compliance and is maintaining compliance with the applicable requirement, the State (or the Administrator as the case may be) shall review the actual expenditures made by the owner or operator of such source for the purpose of attaining and maintaining compliance, and shall within 180 days after such source comes into compliance—

“(A) provide reimbursement with interest (to be paid by the State or Secretary of the Treasury, as the case may be) at appropriate prevailing rates (as determined by the Secretary of the Treasury) for any overpayment by such person, or

“(B) assess and collect an additional payment with interest at appropriate prevailing rates (as determined by the Secretary of the Treasury) for any underpayment by such person.

“(5) Any person who fails to pay the amount of any penalty with respect to any source under this section on a timely basis shall be required to pay in addition a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person’s penalties and nonpayment penalties with respect to such source which are unpaid as of the beginning of such quarter.

Quarterly
nonpayment
penalty.

“(e) Any action pursuant to this section, including any objection of the Administrator under the last sentence of subsection (b) shall be considered a final action for purposes of judicial review of any penalty under section 307 of this Act.

Post, pp. 772,
776, 777.

“(f) Any orders, payments, sanctions, or other requirements under this section shall be in addition to any other permits, orders, payments, sanctions, or other requirements established under this Act, and shall in no way affect any civil or criminal enforcement proceedings brought under any provision of this Act or State or local law.

“(g) In the case of any emission limitation or other requirement approved or promulgated by the Administrator under this Act after the enactment of the Clean Air Act Amendments of 1977 which is more stringent than the emission limitation or requirement for the source in effect prior to such approval or promulgation, if any, or where there was no emission limitation or requirement approved or promulgated before enactment of the Clean Air Act Amendments of 1977, the date for imposition of the non-compliance penalty under this section, shall be either July 1, 1979, or the date on which the source is required to be in full compliance with such emission limitation or requirement, whichever is later, but in no event later than three years after the approval or promulgation of such emission limitation or requirement.”

CONSULTATION

SEC. 119. Part A of title I of the Clean Air Act is amended by adding the following new section at the end thereof:

“CONSULTATION

“SEC. 121. In carrying out the requirements of this Act requiring applicable implementation plans to contain— 42 USC 7421.

“(1) any transportation controls, air quality maintenance plan requirements or preconstruction review of direct sources of air pollution, or

“(2) any measure referred to—

“(A) in part D (pertaining to nonattainment requirements), or

Post, p. 746.

“(B) in part C (pertaining to prevention of significant deterioration),

Post, p. 731.

and in carrying out the requirements of section 113(d) (relating to certain enforcement orders), the State shall provide a satisfactory process

Ante, p. 705.

of consultation with general purpose local governments, designated organizations of elected officials of local governments and any Federal land manager having authority over Federal land to which the State plan applies, effective with respect to any such requirement which is adopted more than one year after the date of enactment of the Clean Air Act Amendments of 1977 as part of such plan. Such process shall be in accordance with regulations promulgated by the Administrator to assure adequate consultation. Such regulations shall be promulgated after notice and opportunity for public hearing and not later than 6 months after the date of enactment of the Clean Air Act Amendments of 1977. Only a general purpose unit of local government, regional agency, or council of governments adversely affected by action of the Administrator approving any portion of a plan referred to in this subsection may petition for judicial review of such action on the basis of a violation of the requirements of this section.”.

Regulations;
notice and
hearing.

Petition for
judicial review.

UNREGULATED POLLUTANTS

SEC. 120. (a) Part A of title I of the Clean Air Act is amended by adding at the end thereof the following new section:

“LISTING OF CERTAIN UNREGULATED POLLUTANTS

Review; notice
and hearing.
42 USC 7422.

“SEC. 122. (a) Not later than one year after date of enactment of this section (two years for radioactive pollutants) and after notice and opportunity for public hearing, the Administrator shall review all available relevant information and determine whether or not emissions of radioactive pollutants (including source material, special nuclear material, and byproduct material), cadmium, arsenic and polycyclic organic matter into the ambient air will cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health. If the Administrator makes an affirmative determination with respect to any such substance, he shall simultaneously with such determination include such substance in the list published under section 108(a)(1) or 112(b)(1)(A) (in the case of a substance which, in the judgment of the Administrator, causes, or contributes to, air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness), or shall include each category of stationary sources emitting such substance in significant amounts in the list published under section 111(b)(1)(A), or take any combination of such actions.

Post, p. 790.
42 USC 7412.

Post, p. 791.

Revision
authority.

“(b) Nothing in subsection (a) shall be construed to affect the authority of the Administrator to revise any list referred to in subsection (a) with respect to any substance (whether or not enumerated in subsection (a)).

Consultation with
NRC.

“(c)(1) Before listing any source material, special nuclear, or byproduct material (or component or derivative thereof) as provided in subsection (a), the Administrator shall consult with the Nuclear Regulatory Commission.

Interagency
agreement.

“(2) Not later than six months after listing any such material (or component or derivative thereof) the Administrator and the Nuclear Regulatory Commission shall enter into an interagency agreement with respect to those sources or facilities which are under the jurisdiction of the Commission. This agreement shall, to the maximum extent practicable consistent with this Act, minimize duplication of effort

and conserve administrative resources in the establishment, implementation, and enforcement of emission limitations, standards of performance, and other requirements and authorities (substantive and procedural) under this Act respecting the emission of such material (or component or derivative thereof) from such sources or facilities.

“(3) In case of any standard or emission limitation promulgated by the Administrator, under this Act or by any State (or the Administrator) under any applicable implementation plan under this Act, if the Nuclear Regulatory Commission determines, after notice and opportunity for public hearing that the application of such standard or limitation to a source or facility within the jurisdiction of the Commission would endanger public health or safety, such standard or limitation shall not apply to such facilities or sources unless the President determines otherwise within ninety days from the date of such finding.”

Notice and hearing.

(b) The Administrator of the Environmental Protection Agency shall conduct a study, in conjunction with other appropriate agencies, concerning the effect on the public health and welfare of sulfates, radioactive pollutants, cadmium, arsenic, and polycyclic organic matter which are present or may reasonably be anticipated to occur in the ambient air. Such study shall include a thorough investigation of how sulfates are formed and how to protect public health and welfare from the injurious effects, if any, of sulfates, cadmium, arsenic, and polycyclic organic matter.

Study by EPA.
42 USC 7422
note.

STACK HEIGHTS

SEC. 121. Part A of title I of the Clean Air Act is amended by adding the following new section at the end thereof:

“STACK HEIGHTS

“SEC. 123. (a) The degree of emission limitation required for control of any air pollutant under an applicable implementation plan under this title shall not be affected in any manner by—

42 USC 7423.

“(1) so much of the stack height of any source as exceeds good engineering practice (as determined under regulations promulgated by the Administrator), or

“(2) any other dispersion technique.

The preceding sentence shall not apply with respect to stack heights in existence before the date of enactment of the Clean Air Amendments of 1970 or dispersion techniques implemented before such date. In establishing an emission limitation for coal-fired steam electric generating units which are subject to the provisions of section 118 and which commenced operation before July 1, 1957, the effect of the entire stack height of stacks for which a construction contract was awarded before February 8, 1974, may be taken into account.

42 USC 7401
note.
Ante, p. 711.

“(b) For the purpose of this section, the term ‘dispersion technique’ includes any intermittent or supplemental control of air pollutants varying with atmospheric conditions.

“Dispersion technique.”

“(c) Not later than six months after the date of enactment of this section, the Administrator, shall after notice and opportunity for public hearing, promulgate regulations to carry out this section. For purposes of this section, good engineering practice means, with respect to stack heights, the height necessary to insure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, eddies and wakes which may be created by the source itself,

Regulations.
Notice and hearing.
Good engineering practice.

nearby structures or nearby terrain obstacles (as determined by the Administrator). For purposes of this section such height shall not exceed two and a half times the height of such source unless the owner or operator of the source demonstrates, after notice and opportunity for public hearing, to the satisfaction of the Administrator, that a greater height is necessary as provided under the preceding sentence. In no event may the Administrator prohibit any increase in any stack height or restrict in any manner the stack height of any source.”.

ASSURANCE OF PLAN ADEQUACY

SEC. 122. Part A of title I of the Clean Air Act is amended by adding the following new sections at the end thereof:

“ASSURANCE OF ADEQUACY OF STATE PLANS

Review.
42 USC 7424.

“SEC. 124. (a) As expeditiously as practicable but not later than one year after date of enactment of this section, each State shall review the provisions of its implementation plan which relate to major fuel burning sources and shall determine—

“(1) the extent to which compliance with requirements of such plan is dependent upon the use by major fuel burning stationary sources of petroleum products or natural gas,

“(2) the extent to which such plan may reasonably be anticipated to be inadequate to meet the requirements of this Act in such State on a reliable and long-term basis by reason of its dependence upon the use of such fuels, and

“(3) the extent to which compliance with the requirements of such plan is dependent upon use of coal or coal derivatives which is not locally or regionally available.

Each State shall submit the results of its review and its determination under this paragraph to the Administrator promptly upon completion thereof.

Plan revision.

“(b) (1) Not later than eighteen months after the date of enactment of this section, the Administrator shall review the submissions of the States under subsection (a) and shall require each State to revise its plan if, in the judgment of the Administrator, such plan revision is necessary to assure that such plan will be adequate to assure compliance with the requirements of this Act in such State on a reliable and long-term basis, taking into account the actual or potential prohibitions on use of petroleum products or natural gas, or both, under any other authority of law.

“(2) Before requiring a plan revision under this subsection, with respect to any State the Administrator shall take into account the report of the review conducted by such State under paragraph (1) and shall consult with the Governor of the State respecting such required revision.

“MEASURES TO PREVENT ECONOMIC DISRUPTION OR UNEMPLOYMENT

Notice and
hearing.
42 USC 7425.

“SEC. 125. (a) After notice and opportunity for a public hearing—

“(1) the Governor of any State in which a major fuel burning stationary source referred to in this subsection (or class or category thereof) is located,

“(2) the Administrator, or

“(3) the President (or his designee),
may determine that action under subsection (b) is necessary to prevent

or minimize significant local or regional economic disruption or unemployment which would otherwise result from use by such source (or class or category) of—

“(A) coal or coal derivatives other than locally or regionally available coal,

“(B) petroleum products,

“(C) natural gas, or

“(D) any combination of fuels referred to in subparagraphs (A) through (C),

to comply with the requirements of a State implementation plan.

“(b) Upon a determination under subsection (a)—

“(1) such Governor, with the written consent of the President or his designee,

“(2) the President's designee with the written consent of such Governor, or

“(3) the President

may by rule or order prohibit any such major fuel burning stationary source (or class or category thereof) from using fuels other than locally or regionally available coal or coal derivatives to comply with implementation plan requirements. In taking any action under this subsection, the Governor, the President, or the President's designee as the case may be, shall take into account the final cost to the consumer of such an action.

Consumer costs,
consideration.

“(c) The Governor, in the case of action under subsection (b) (1), or the Administrator, in the case of an action under subsection (b) (2) or (3) shall, by rule or order, require each source to which such action applies to—

“(1) enter into long-term contracts of at least ten years in duration (except as the President or his designee may otherwise permit or require by rule or order for good cause) for supplies of regionally available coal or coal derivatives,

“(2) enter into contracts to acquire any additional means of emission limitation which the Administrator or the State determines may be necessary to comply with the requirements of this Act while using such coal or coal derivatives as fuel, and

“(3) comply with such schedules (including increments of progress), timetables and other requirements as may be necessary to assure compliance with the requirements of this Act.

Requirements under this subsection shall be established simultaneously with, and as a condition of, any action under subsection (b).

“(d) This section applies only to existing or new major fuel burning stationary sources—

Applicability.

“(1) which have the design capacity to produce 250,000,000 Btu's per hour (or its equivalent), as determined by the Administrator, and

“(2) which are not in compliance with the requirements of an applicable implementation plan or which are prohibited from burning oil or natural gas, or both, under any other authority of law.

“(e) Except as may otherwise be provided by rule by the State or the Administrator for good cause, any action required to be taken by a major fuel burning stationary source under this section shall not be deemed to constitute a modification for purposes of section 111(a) (2) and (4) of this Act.

“(f) For purposes of sections 113 and 120 a prohibition under subsection (b), and a corresponding rule or order under subsection (c), shall be treated as a requirement of section 113. For purposes of any

42 USC 7411.
Ante, pp. 704,
705.
Ante, p. 714.

Ante, p. 694.

Ante, pp. 704,
705.

Authority
delegation.

"Locally or
regionally
available coal or
coal derivatives."

plan (or portion thereof) promulgated under section 110(c), any rule or order under subsection (c) corresponding to a prohibition under subsection (b), shall be treated as a part of such plan. For purposes of section 113, a prohibition under subsection (b), applicable to any source, and a corresponding rule or order under subsection (c), shall be treated as part of the applicable implementation plan for the State in which subject source is located.

"(g) The President may delegate his authority under this section to an officer or employee of the United States designated by him on a case-by-case basis or in any other manner he deems suitable.

"(h) For the purpose of this section the term 'locally or regionally available coal or coal derivatives' means coal or coal derivatives which is, or can in the judgment of the State or the Administrator feasibly be, mined or produced in the local or regional area (as determined by the Administrator) in which the major fuel burning stationary source is located."

INTERSTATE POLLUTION ABATEMENT

SEC. 123. Part A of title I of the Clean Air Act is amended by adding at the end thereof the following new section:

"INTERSTATE POLLUTION ABATEMENT

42 USC 7426.

Post, p. 731.

"SEC. 126. (a) Each applicable implementation plan shall—

"(1) require each major proposed new (or modified) source—

"(A) subject to part C, relating to significant deterioration of air quality, or

"(B) which may significantly contribute to levels of air pollution in excess of the national ambient air quality standards in any air quality control region outside the State in which such source intends to locate (or make such modification),

to provide written notice to all nearby States the air pollution levels of which may be affected by such source at least sixty days prior to the date on which commencement of construction is to be permitted by the State providing notice, and

"(2) identify all major existing stationary sources which may have the impact described in paragraph (1) with respect to new or modified sources and provide notice to all nearby States of the identity of such sources not later than three months after the date of enactment of the Clean Air Act Amendments of 1977.

Petition.

Ante, p. 693.

Hearing.

"(b) Any State or political subdivision may petition the Administrator for a finding that any major source emits or would emit any air pollutant in violation of the prohibition of section 110(a)(2)(E)(i). Within 60 days after receipt of any petition under this subsection and after public hearing, the Administrator shall make such a finding or deny the petition.

"(c) Notwithstanding any permit which may have been granted by the State in which the source is located (or intends to locate), it shall be a violation of the applicable implementation plan in such State—

"(1) for any major proposed new (or modified) source with respect to which a finding has been made under subsection (b) to be constructed or to operate in violation of the prohibition of section 110(a)(2)(E)(i), or

"(2) for any major existing source to operate more than three months after such finding has been made with respect to it.

The Administrator may permit the continued operation of a source referred to in paragraph (2) beyond the expiration of such three-month period if such source complies with such emission limitations and compliance schedules (containing increments of progress) as may be provided by the Administrator to bring about compliance with the requirements contained in section 110(a)(2)(E)(i) as expeditiously as practicable, but in no case later than three years after the date of such finding. Nothing in the preceding sentence shall be construed to preclude any such source from being eligible for an enforcement order under section 113(d) after the expiration of such period during which the Administrator has permitted continuous operation.”

Ante, p. 693.

Ante, p. 705.

PUBLIC NOTIFICATION

SEC. 124. Part A of title I of the Clean Air Act is amended by adding the following new section at the end thereof:

“SEC. 127. (a) Each State plan shall contain measures which will be effective to notify the public during any calendar on a regular basis of instances or areas in which any national primary ambient air quality standard is exceeded or was exceeded during any portion of the preceding calendar year to advise the public of the health hazards associated with such pollution, and to enhance public awareness of the measures which can be taken to prevent such standards from being exceeded and the ways in which the public can participate in regulatory and other efforts to improve air quality. Such measures may include the posting of warning signs on interstate highway access points to metropolitan areas or television, radio, or press notices or information.

42 USC 7427.

“(b) The Administrator is authorized to make grants to States to assist in carrying out the requirements of subsection (a).”

Grants.

STATE BOARDS

SEC. 125. Part A of title I of the Clean Air Act is amended by adding the following new section at the end thereof:

“STATE BOARDS

“SEC. 128. (a) Not later than the date one year after the date of the enactment of this section, each applicable implementation plan shall contain requirements that—

Conflict of interest.

42 USC 7428.

“(1) any board or body which approves permits or enforcement orders under this Act shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under this Act, and

“(2) any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed.

A State may adopt any requirements respecting conflicts of interest for such boards or bodies or heads of executive agencies, or any other entities which are more stringent than the requirements of paragraph (1) and (2), and the Administrator shall approve any such more stringent requirements submitted as part of an implementation plan.”

OZONE PROTECTION

SEC. 126. Title I of the Clean Air Act is amended by adding at the end thereof the following new part:

"PART B—OZONE PROTECTION

"PURPOSES

42 USC 7450.

"SEC. 150. The purposes of this part are (1) to provide for a better understanding of the effects of human actions on the stratosphere, especially the ozone in the stratosphere, (2) to provide for a better understanding of the effects of changes in the stratosphere, especially the ozone in the stratosphere on the public health and welfare, (3) to provide information on the progress of regulation of activities which may reasonably be anticipated to affect the ozone in the stratosphere in such a way as to cause or contribute to endangerment of the public health or welfare, and (4) to provide information on the need for additional legislation in this area, if any.

"FINDINGS AND DEFINITIONS

42 USC 7451.

"SEC. 151. (a) The Congress finds, on the basis of presently available information, that—

"(1) halocarbon compounds introduced into the environment potentially threaten to reduce the concentration of ozone in the stratosphere;

"(2) ozone reduction will lead to increased incidence of solar ultraviolet radiation at the surface of the Earth;

"(3) increased incidence of solar ultraviolet radiation is likely to cause increased rates of disease in humans (including increased rates of skin cancer), threaten food crops, and otherwise damage the natural environment;

"(4) other substances, practices, processes, and activities may affect the ozone in the stratosphere, and should be investigated to give early warning of any potential problem and to develop the basis for possible future regulatory action; and

"(5) there is some authority under existing law, to regulate certain substances, practices, processes, and activities which may affect the ozone in the stratosphere.

"DEFINITIONS

42 USC 7452.

"SEC. 152. For the purposes of this subtitle—

"(1) the term 'halocarbon' means the chemical compounds CFCl_3 and CF_2Cl_2 and such other halogenated compounds as the Administrator determines may reasonably be anticipated to contribute to reductions in the concentration of ozone in the stratosphere;

"(2) the term 'stratosphere' means that part of the atmosphere above the tropopause.

"STUDIES BY ENVIRONMENTAL PROTECTION AGENCY

42 USC 7453.

"SEC. 153. (a) The Administrator shall conduct a study of the cumulative effect of all substances, practices, processes, and activities which may affect the stratosphere, especially ozone in the stratosphere. The study shall include an analysis of the independent effects on the stratosphere especially such ozone in the stratosphere of—

"(1) the release into the ambient air of halocarbons,

"(2) the release into the ambient air of other sources of chlorine,

"(3) the uses of bromine compounds, and

“(4) emissions of aircraft and aircraft propulsion systems employed by operational and experimental aircraft. The study shall also include such physical, chemical, atmospheric, biomedical, or other research and monitoring as may be necessary to ascertain (A) any direct or indirect effects upon the public health and welfare of changes in the stratosphere, especially ozone in the stratosphere, and (B) the probable causes of changes in the stratosphere, especially the ozone in the stratosphere.

“(b) The Administrator shall undertake research on—

“(1) methods to recover and recycle substances which directly or indirectly affect the stratosphere, especially ozone in the stratosphere,

“(2) methods of preventing the escape of such substances,

“(3) safe substitutes for such substances, and

“(4) other methods to regulate substances, practices, processes, and activities which may reasonably be anticipated to affect the stratosphere, especially ozone in the stratosphere.

“(c) (1) The studies and research conducted under this section may be undertaken with such cooperation and assistance from universities and private industry as may be available. Each department, agency, and instrumentality of the United States having the capability to do so is authorized and encouraged to provide assistance to the Administrator in carrying out the requirements of this section, including (notwithstanding any other provision of law) any services which such department, agency, or instrumentality may have the capability to render or obtain by contract with third parties.

“(2) The Administrator shall encourage the cooperation and assistance of other nations in carrying out the studies and research under this section. The Administrator is authorized to cooperate with and support similar research efforts of other nations.

“(d) (1) The Administrator shall undertake to contract with the National Academy of Sciences to study the state of knowledge and the adequacy of research efforts to understand (A) the effects of all substances, practices, processes, and activities which may affect the stratosphere, especially ozone in the stratosphere; (B) the health and welfare effects of modifications of the stratosphere, especially ozone in the stratosphere; and (C) methods of control of such substances, practices, processes, and activities including alternatives, costs, feasibility, and timing. The Academy shall make a report of its findings by January 1, 1978.

Report.

“(2) The Administrator shall make available to the Academy such information in the Administrator's possession as is needed for the purposes of the study provided for in this subsection.

“(e) The Secretary of Labor shall study and transmit a report to the Administrator and the Congress not later than six months after date of enactment, with respect to the losses and gains to industry and employment which could result from the elimination of the use of halocarbons in aerosol containers and for other purposes. Such report shall include recommended means of alleviating unemployment or other undesirable economic impact, if any, resulting therefrom.

Report to
Administrator
and Congress.

“(f) (1) The Administrator shall establish and act as Chairman of a Coordinating Committee for the purpose of insuring coordination of the efforts of other Federal agencies carrying out research and studies related to or supportive of the research provided for in subsections (a) and (b) and section 154.

Coordinating
Committee.
Establishment.

“(2) Members of the Coordinating Committee shall include the

appropriate official responsible for the relevant research efforts of each of the following agencies:

- “(A) the National Oceanic and Atmospheric Administration,
- “(B) the National Aeronautics and Space Administration,
- “(C) the Federal Aviation Administration,
- “(D) the Department of Agriculture,
- “(E) the National Cancer Institute,
- “(F) the National Institute of Environmental Health Sciences,
- “(G) the National Science Foundation, and the appropriate

officials responsible for the relevant research efforts of such other agencies carrying out related efforts as the Chairman shall designate. A representative of the Department of State shall sit on the Coordinating Committee to encourage and facilitate international coordination.

Reports to
Coordinating
Committee.

“(3) The Coordinating Committee shall review and comment on plans for, and the execution and results of, pertinent research and studies. For this purpose, the agencies named in or designated under paragraph (2) of this subsection shall make appropriate and timely reports to the Coordinating Committee on plans for and the execution and results of such research and studies.

“(4) The Chairman may request a report from any Federal Agency for the purpose of determining if that agency should sit on the Coordinating Committee.

Report to
congressional
committees.

“(g) Not later than January 1, 1978, and biennially thereafter, the Administrator shall report to the appropriate committees of the House and the Senate, the results of the studies and research conducted under this section and the results of related research and studies conducted by other Federal agencies.

“RESEARCH AND MONITORING BY OTHER AGENCIES

42 USC 7454.

Reports to
Administrator
and Congress.

“SEC. 154. (a) The Administrator of the National Oceanic and Atmospheric Administration shall establish a continuing program of research and monitoring of the stratosphere for the purpose of early detection of changes in the stratosphere and climatic effects of such changes. Such Administrator shall on or before January 1, 1978, and biennially thereafter, transmit such report to the Administrator and the Congress on the findings of such research and monitoring. Such report shall contain any appropriate recommendations for legislation or regulation (or both).

42 USC 2481.

Reports to
Administrator
and Congress.

“(b) The National Aeronautics and Space Administration shall, pursuant to its authority under title IV of the National Aeronautics and Space Act of 1958, continue programs of research, technology, and monitoring of the stratosphere for the purpose of understanding the physics and chemistry of the stratosphere and for the early detection of potentially harmful changes in the ozone in the stratosphere. Such Administration shall transmit reports by January 1, 1978, and biennially thereafter to the Administrator and the Congress on the results of the programs authorized in this subsection, together with any appropriate recommendations for legislation or regulation (or both).

Reports to
Administrator
and Congress.

“(c) The Director of the National Science Foundation shall encourage and support ongoing stratospheric research programs and continuing research programs that will increase scientific knowledge of the effects of changes in the ozone layer in the stratosphere upon living organisms and ecosystems. Such Director shall transmit reports by January 1, 1978, and biennially thereafter to the Administrator and

the Congress on the results of such programs, together with any appropriate recommendations for legislation or regulation (or both).

“(d) The Secretary of Agriculture shall encourage and support continuing research programs that will increase scientific knowledge of the effects of changes in the ozone in the stratosphere upon animals, crops, and other plant life. Such Secretary shall transmit reports by January 1, 1978, and biennially thereafter to the Administrator and the Congress on the results of such programs together with any appropriate recommendations for legislation or regulation (or both).

Report to
Administrator
and Congress.

“(e) The Secretary of Health, Education, and Welfare shall encourage and support continuing research programs that will increase scientific knowledge of the effects of changes in the ozone in the stratosphere upon human health. Such Secretary shall transmit reports by January 1, 1978, and biennially thereafter, to the Administrator and the Congress on the results of such programs, together with any appropriate recommendations for legislation or regulation (or both).

Report to
Administrator
and Congress.

“(f) In carrying out subsections (a) through (e) of this section, the agencies involved (1) shall enlist and encourage cooperation and assistance from other Federal agencies, universities, and private industry, and (2) shall solicit the views of the Administrator with regard to plans for the research involved so that any such research will, if regulatory action by the Administrator is indicated, provide the preliminary information base for such action.

“PROGRESS OF REGULATION

“SEC. 155. The Administrator shall provide an interim report to the Congress by January 1, 1978, shall provide a final report within two years after date of enactment, and shall provide follow-up reports annually thereafter on the actions taken by the Environmental Protection Agency and all other Federal agencies to regulate sources of halocarbon emissions, the results of such regulations in protecting the ozone layer, and the need for additional regulatory action, if any. The reports under this section shall also include recommendations for the control of substances, practices, processes, and activities other than those involving halocarbons, which are found to affect the ozone in the stratosphere and which may cause or contribute to harmful effects on public health or welfare.

Interim, final,
and annual
reports to
Congress.
42 USC 7455.

“INTERNATIONAL COOPERATION

“SEC. 156. The President shall undertake to enter into international agreements to foster cooperative research which complements studies and research authorized by this part, and to develop standards and regulations which protect the stratosphere consistent with regulations applicable within the United States. For these purposes the President through the Secretary of State and the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, shall negotiate multilateral treaties, conventions, resolutions, or other agreements, and formulate, present, or support proposals at the United Nations and other appropriate international forums and shall report to the Congress periodically on efforts to arrive at such agreements.

Agreements.
Standards and
regulations.
42 USC 7456.

Report to
Congress.

“REGULATIONS

“SEC. 157. (a) If at any time prior to the submission of the final report referred to in section 155 in the Administrator's judgment, any

Notice to
Congress.
42 USC 7457.

substance, practice, process, or activity may reasonably be anticipated to affect the stratosphere, especially ozone in the stratosphere, and such effect may reasonably be anticipated to endanger public health or welfare, the Administrator shall promptly promulgate regulations respecting the control of such substance, practice, process, or activity, and shall simultaneously submit notice of the promulgation of such regulations to the Congress.

“(b) Upon submission of the final report referred to in section 155, and after consideration of the research and study under sections 153 and 154 and, consultation with appropriate Federal agencies and scientific entities, the Administrator shall propose regulations for the control of any substance, practice, process, or activity (or any combination thereof) which in his judgment may reasonably be anticipated to affect the stratosphere, especially ozone in the stratosphere, if such effect in the stratosphere may reasonably be anticipated to endanger public health or welfare. Such regulations shall take into account the feasibility and the costs of achieving such control. Such regulations may exempt medical use products for which the Administrator determines there is no suitable substitute. Not later than three months after proposal of such regulations the Administrator shall promulgate such regulations in final form. From time to time, and under the same procedures, the Administrator may revise any of the regulations submitted under this subsection.

“OTHER PROVISIONS UNAFFECTED

42 USC 7458.

Post, pp. 769,
791.

15 USC 2601
note.

15 USC 2608.

“SEC. 158. Nothing in this part shall be construed to alter or affect the authority of the Administrator under section 303 (relating to emergency powers), under section 231 (relating to aircraft emission standards), or under any other provision of this Act or to affect the authority of any other department, agency, or instrumentality of the United States under any other provision of law to promulgate or enforce any requirement respecting the control of any substance, practice, process, or activity for purposes of protecting the stratosphere or ozone in the stratosphere. In the case of any proposed rule respecting ozone in the stratosphere which has been published under the Toxic Substances Control Act prior to the date of enactment of this Act notwithstanding section 9(b) of such Act, nothing in this part shall be construed to prohibit or restrict the Administrator from taking any action under the Toxic Substances Control Act respecting the promulgation or enforcement of such rule.

“STATE AUTHORITY

42 USC 7459.

“SEC. 159. (a) Nothing in this part shall preclude or deny any State or political subdivision thereof from adopting or enforcing any requirement respecting the control of any substance, practice, process, or activity for purposes of protecting the stratosphere or ozone in the stratosphere except as otherwise provided in subsection (b).

“(b) If a regulation of any substance, practice, process, or activity is in effect under this part in order to prevent or abate any risk to the stratosphere, or ozone in the stratosphere, no State or political subdivision thereof may adopt or attempt to enforce any requirement respecting the control of any such substance, practice, process, or activity to prevent or abate such risk, unless the requirement of the State or political subdivision is identical to the requirement of such

regulation. The preceding sentence shall not apply with respect to any law or regulation of any State or political subdivision controlling the use of halocarbons as propellants in aerosol spray containers.”.

PREVENTION OF SIGNIFICANT DETERIORATION

SEC. 127. (a) Title I of the Clean Air Act is amended by adding the following new part at the end thereof:

“PART C—PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY

“SUBPART I

“PURPOSES

“SEC. 160. The purposes of this part are as follows:

42 USC 7470.

“(1) to protect public health and welfare from any actual or potential adverse effect which in the Administrator’s judgment may reasonably be anticipated to occur from air pollution or from exposures to pollutants in other media, which pollutants originate as emissions to the ambient air), notwithstanding attainment and maintenance of all national ambient air quality standards;

“(2) to preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of special national or regional natural, recreational, scenic, or historic value;

“(3) to insure that economic growth will occur in a manner consistent with the preservation of existing clean air resources;

“(4) to assure that emissions from any source in any State will not interfere with any portion of the applicable implementation plan to prevent significant deterioration of air quality for any other State; and

“(5) to assure that any decision to permit increased air pollution in any area to which this section applies is made only after careful evaluation of all the consequences of such a decision and after adequate procedural opportunities for informed public participation in the decisionmaking process.

“PLAN REQUIREMENTS

“SEC. 161. In accordance with the policy of section 101(b) (1), each applicable implementation plan shall contain emission limitations and such other measures as may be necessary, as determined under regulations promulgated under this part, to prevent significant deterioration of air quality in each region (or portion thereof) identified pursuant to section 107(d) (1) (D) or (E).

Regulations.
42 USC 7471.
42 USC 7401.

Ante, p. 687.

“INITIAL CLASSIFICATIONS

“SEC. 162. (a) Upon the enactment of this part, all—

42 USC 7472.

“(1) international parks,

“(2) national wilderness areas which exceed 5,000 acres in size,

“(3) national memorial parks which exceed 5,000 acres in size, and

"(4) national parks which exceed six thousand acres in size and which are in existence on the date of enactment of the Clean Air Act Amendments of 1977 shall be class I areas and may not be redesignated. All areas which were redesignated as class I under regulations promulgated before such date of enactment shall be class I areas which may be redesignated as provided in this part.

Ante, p. 687. "(b) All areas in such State identified pursuant to section 107(d) (1) (D) or (E) which are not established as class I under subsection (a) shall be class II areas unless redesignated under section 164.

"INCREMENTS AND CEILINGS

Sulfur oxide and
particulate
matter.
42 USC 7473.

"SEC. 163. (a) In the case of sulfur oxide and particulate matter, each applicable implementation plan shall contain measures assuring that maximum allowable increases over baseline concentrations of, and maximum allowable concentrations of, such pollutant shall not be exceeded. In the case of any maximum allowable increase (except an allowable increase specified under 165(d) (2) (C) (iv) for a pollutant based on concentrations permitted under national ambient air quality standards for any period other than an annual period, such regulations shall permit such maximum allowable increase to be exceeded during one such period per year.

"(b) (1) For any class I area, the maximum allowable increase in concentrations of sulfur dioxide and particulate matter over the baseline concentration of such pollutants shall not exceed the following amounts:

"Pollutant	Maximum allowable increase (in micrograms per cubic meter)
Particulate matter:	
Annual geometric mean.....	5
Twenty-four-hour maximum.....	10
Sulfur dioxide:	
Annual arithmetic mean.....	2
Twenty-four-hour maximum.....	5
Three-hour maximum.....	25

"(2) For any class II area, the maximum allowable increase in concentrations of sulfur dioxide and particulate matter over the baseline concentration of such pollutants shall not exceed the following amounts:

"Pollutant	Maximum allowable increase (in micrograms per cubic meter)
Particulate matter:	
Annual geometric mean.....	19
Twenty-four-hour maximum.....	37
Sulfur dioxide:	
Annual arithmetic mean.....	20
Twenty-four-hour maximum.....	91
Three-hour maximum.....	512

"(3) For any class III area, the maximum allowable increase in concentrations of sulfur dioxide and particulate matter over the baseline concentration of such pollutants shall not exceed the following amounts:

"Pollutant	Maximum allowable increase (in micrograms per cubic meter)
Particulate matter:	
Annual geometric mean.....	37
Twenty-four-hour maximum.....	75
Sulfur dioxide:	
Annual arithmetic mean.....	40
Twenty-four-hour maximum.....	182
Three-hour maximum.....	700

“(4) The maximum allowable concentration of any air pollutant in any area to which this part applies shall not exceed a concentration for such pollutant for each period of exposure equal to—

“(A) the concentration permitted under the national secondary ambient air quality standard, or

“(B) the concentration permitted under the national primary ambient air quality standard,

whichever concentration is lowest for such pollutant for such period of exposure.

“(c)(1) In the case of any State which has a plan approved by the Administrator for purposes of carrying out this part, the Governor of such State may, after notice and opportunity for public hearing, issue orders or promulgate rules providing that for purposes of determining compliance with the maximum allowable increases in ambient concentrations of an air pollutant, the following concentrations of such pollutant shall not be taken into account:

Notice and hearing.

“(A) concentrations of such pollutant attributable to the increase in emissions from stationary sources which have converted from the use of petroleum products, or natural gas, or both, by reason of an order which is in effect under the provisions of sections 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any subsequent legislation which supersedes such provisions) over the emissions from such sources before the effective date of such order.

15 USC 792.

“(B) the concentrations of such pollutant attributable to the increase in emissions from stationary sources which have converted from using natural gas by reason of a natural gas curtailment pursuant to a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such sources before the effective date of such plan,

16 USC 791a.

“(C) concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities, and

“(D) the increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration determined in accordance with section 169(4).

“(2) No action taken with respect to a source under paragraph (1)(A) or (1)(B) shall apply more than five years after the effective date of the order referred to in paragraph (1)(A) or the plan referred to in paragraph (1)(B), whichever is applicable. If both such order and plan are applicable, no such action shall apply more than five years after the later of such effective dates.

“(3) No action under this subsection shall take effect unless the Governor submits the order or rule providing for such exclusion to the Administrator and the Administrator determines that such order or rule is in compliance with the provisions of this subsection.

Order or rule.

“AREA REDESIGNATION

“SEC. 164. (a) Except as otherwise provided under subsection (c), a State may redesignate such areas as it deems appropriate as class I areas. The following areas may be redesignated only as class I or II:

42 USC 7474.

“(1) an area which exceeds ten thousand acres in size and is a national monument, a national primitive area, a national preserve, a national recreation area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore, and

“(2) a national park or national wilderness area established after the date of enactment of this Act which exceeds ten thousand acres in size.

Any area (other than an area referred to in paragraph (1) or (2) or an area established as class I under the first sentence of section 162(a)) may be redesignated by the State as class III if—

“(A) such redesignation has been specifically approved by the Governor of the State, after consultation with the appropriate Committees of the legislature if it is in session or with the leadership of the legislature if it is not in session (unless State law provides that such redesignation must be specifically approved by State legislation) and if general purpose units of local government representing a majority of the residents of the area so redesignated enact legislation (including for such units of local government resolutions where appropriate) concurring in the State’s redesignation;

“(B) such redesignation will not cause, or contribute to, concentrations of any air pollutant which exceed any maximum allowable increase or maximum allowable concentration permitted under the classification of any other area; and

“(C) such redesignation otherwise meets the requirements of this part.

Subparagraph (A) of this paragraph shall not apply to area redesignations by Indian tribes.

Notice and
hearing.

“(b) (1) (A) Prior to redesignation of any area under this part, notice shall be afforded and public hearings shall be conducted in areas proposed to be redesignated and in areas which may be affected by the proposed redesignation. Prior to any such public hearing a satisfactory description and analysis of the health, environmental, economic, social, and energy effects of the proposed redesignation shall be prepared and made available for public inspection and prior to any such redesignation, the description and analysis of such effects shall be reviewed and examined by the redesignating authorities.

Notice of
redesignation.

“(B) Prior to the issuance of notice under subparagraph (A) respecting the redesignation of any area under this subsection, if such area includes any Federal lands, the State shall provide written notice to the appropriate Federal land manager and afford adequate opportunity (but not in excess of 60 days) to confer with the State respecting the intended notice of redesignation and to submit written comments and recommendations with respect to such intended notice of redesignation. In redesignating any area under this section with respect to which any Federal land manager has submitted written comments and recommendations, the State shall publish a list of any inconsistency between such redesignation and such recommendations and an explanation of such inconsistency (together with the reasons for making such redesignation against the recommendation of the Federal land manager).

List.

Regulations.
Public inspection
of plan.

“(C) The Administrator shall promulgate regulations not later than six months after date of enactment of this part, to assure, insofar as practicable, that prior to any public hearing on redesignation of any area, there shall be available for public inspection any specific plans for any new or modified major emitting facility which may be permitted to be constructed and operated only if the area in question is designated or redesignated as class III.

Notice and
hearing.

“(2) The Administrator may disapprove the redesignation of any area only if he finds, after notice and opportunity for public hearing, that such redesignation does not meet the procedural requirements of

this section. If any such disapproval occurs, the classification of the area shall be that which was in effect prior to the redesignation which was disapproved.

“(c) Lands within the exterior boundaries of reservations of federally recognized Indian tribes may be redesignated only by the appropriate Indian governing body. Such Indian governing body shall be subject in all respect to the provisions of subsection (e).

Indian
reservations.

“(d) The Federal Land Manager shall review all national monuments, primitive areas, and national preserves, and shall recommend any appropriate areas for redesignation as class I where air quality related values are important attributes of the area. The Federal Land Manager shall report such recommendations, within supporting analysis, to the Congress and the affected States within one year after enactment of this section. The Federal Land Manager shall consult with the appropriate States before making such recommendations.

Report to
Congress.

“(e) If any State affected by the redesignation of area by an Indian tribe or any Indian tribe affected by the redesignation of an area by a State disagrees with such redesignation of any area, or if a permit is proposed to be issued for any new major emitting facility proposed for construction in any State which the Governor of an affected State or governing body of an affected Indian tribe determines will cause or contribute to a cumulative change in air quality in excess of that allowed in this part within the affected State or tribal reservation, the Governor or Indian ruling body may request the Administrator to enter into negotiations with the parties involved to resolve such dispute. If requested by any State or Indian tribe involved, the Administrator shall make a recommendation to resolve the dispute and protect the air quality related values of the lands involved. If the parties involved do not reach agreement, the Administrator shall resolve the dispute and his determination, or the results of agreements reached through other means, shall become part of the applicable plan and shall be enforceable as part of such plan. In resolving such disputes relating to area redesignation, the Administrator shall consider the extent to which the lands involved are of sufficient size to allow effective air quality management or have air quality related values of such an area.

“PRECONSTRUCTION REQUIREMENTS

“Sec. 165. (a) No major emitting facility on which construction is commenced after the date of the enactment of this part, may be constructed in any area to which this part applies unless— 42 USC 7475.

“(1) a permit has been issued for such proposed facility in accordance with this part setting forth emission limitations for such facility which conform to the requirements of this part:

“(2) the proposed permit has been subject to a review in accordance with this section, the required analysis has been conducted in accordance with regulations promulgated by the Administrator, and a public hearing has been held with opportunity for interested persons including representatives of the Administrator to appear and submit written or oral presentations on the air quality impact of such source, alternatives thereto, control technology requirements, and other appropriate considerations;

Regulation.
Hearing.

“(3) the owner or operator of such facility demonstrates that emissions from construction or operation of such facility will not cause, or contribute to, air pollution in excess of any (A) maximum allowable increase or maximum allowable concentration for

any pollutant in any area to which this part applies more than one time per year, (B) national ambient air quality standard in any air quality control region, or (C) any other applicable emission standard or standard of performance under this Act;

“(4) the proposed facility is subject to the best available control technology for each pollutant subject to regulation under this Act emitted from, or which results from, such facility;

“(5) the provisions of subsection (d) with respect to protection of class I areas have been complied with for such facility;

“(6) there has been an analysis of any air quality impacts projected for the area as a result of growth associated with such facility;

“(7) the person who owns or operates, or proposes to own or operate, a major emitting facility for which a permit is required under this part agrees to conduct such monitoring as may be necessary to determine the effect which emissions from any such facility may have, or is having, on air quality in any area which may be affected by emissions from such source; and

“(8) in the case of a source which proposes to construct in a class III area, emissions from which would cause or contribute to exceeding the maximum allowable increments applicable in a class II area and where no standard under section 111 of this Act has been promulgated subsequent to enactment of the Clean Air Act Amendments of 1977, for such source category, the Administrator has approved the determination of best available technology as set forth in the permit.

“(b) The demonstration pertaining to maximum allowable increases required under subsection (a) (3) shall not apply to maximum allowable increases for class II areas in the case of an expansion or modification of a major emitting facility which is in existence on the date of enactment of the Clean Air Act Amendments of 1977, whose actual allowable emissions of air pollutants, after compliance with subsection (a) (4), will be less than fifty tons per year and for which the owner or operator of such facility demonstrates that emissions of particulate matter and sulfur oxides will not contribute to ambient air quality levels in excess of the national secondary ambient air quality standard for either of such pollutants.

“(c) Any completed permit application under section 110 for a major emitting facility in any area to which this part applies shall be granted or denied not later than one year after the date of filing of such completed application.

“(d) (1) Each State shall transmit to the Administrator a copy of each permit application relating to a major emitting facility received by such State and provide notice to the Administrator of every action related to the consideration of such permit.

“(2) (A) The Administrator shall provide notice of the permit application to the Federal Land Manager and the Federal official charged with direct responsibility for management of any lands within a class I area which may be affected by emissions from the proposed facility.

“(B) The Federal Land Manager and the Federal official charged with direct responsibility for management of such lands shall have an affirmative responsibility to protect the air quality related values (including visibility) of any such lands within a class I area and to consider, in consultation with the Administrator, whether a proposed major emitting facility will have an adverse impact on such values.

Ante, pp. 697,
699-701, 703;
Post, p. 791.

Permit
applications,
transmittal to
Administrator.
Ante, pp.
691-696.

Notice.

“(C) (i) In any case where the Federal official charged with direct responsibility for management of any lands within a class I area or the Federal Land Manager of such lands, or the Administrator, or the Governor of an adjacent State containing such a class I area files a notice alleging that emissions from a proposed major emitting facility may cause or contribute to a change in the air quality in such area and identifying the potential adverse impact of such change, a permit shall not be issued unless the owner or operator of such facility demonstrates that emissions of particulate matter and sulfur dioxide will not cause or contribute to concentrations which exceed the maximum allowable increases for a class I area.

“(ii) In any case where the Federal Land Manager demonstrates to the satisfaction of the State that the emissions from such facility will have an adverse impact on the air quality-related values (including visibility) of such lands, notwithstanding the fact that the change in air quality resulting from emissions from such facility will not cause or contribute to concentrations which exceed the maximum allowable increases for a class I area, a permit shall not be issued.

“(iii) In any case where the owner or operator of such facility demonstrates to the satisfaction of the Federal Land Manager, and the Federal Land Manager so certifies, that the emissions from such facility will have no adverse impact on the air quality related values of such lands (including visibility), notwithstanding the fact that the change in air quality resulting from emissions from such facility will cause or contribute to concentrations, which exceed the maximum allowable increases for class I areas, the State may issue a permit.

“(iv) In the case of a permit issued pursuant to clause (iii), such facility shall comply with such emission limitations under such permit as may be necessary to assure that emissions of sulfur oxides and particulates from such sources together with all other sources, will not exceed the following maximum allowable increases over the baseline concentration for such pollutants:

	Maximum allowable increase (in micrograms per cubic meter)
“Particulate matter:	
Annual geometric mean.....	19
Twenty-four-hour maximum.....	37
Sulfur dioxide:	
Annual arithmetic mean.....	20
Twenty-four-hour maximum.....	91
Three-hour maximum.....	325

“(D) (i) In any case where the owner or operator of a proposed major emitting facility who has been denied a certification under subparagraph (C) (iii) demonstrates to the satisfaction of the Governor, after notice and public hearing, and the Governor finds, that the facility cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for periods of twenty-four hours or less applicable to any class I area and, in the case of Federal mandatory class I areas, that a variance under this clause will not adversely affect the air quality related values of the area (including visibility), the Governor, after consideration of the Federal Land Manager’s recommendation (if any) and subject to his concurrence, may grant a variance from such maximum allowable increase. If such variance is granted, a permit may be issued to such source pursuant to the requirements of this subparagraph.

“(ii) In any case in which the Governor recommends a variance under this subparagraph in which the Federal Land Manager does not concur, the recommendations of the Governor and the Federal Land Manager shall be transmitted to the President. The President may

Notice and
hearing.

Variance
recommendations, transmittal
to President.

approve the Governor's recommendation if he finds that such variance is in the national interest. No Presidential finding shall be reviewable in any court. The variance shall take effect if the President approves the Governor's recommendations. The President shall approve or disapprove such recommendation within ninety days after his receipt of the recommendations of the Governor and the Federal Land Manager.

"(iii) In the case of a permit issued pursuant to this subparagraph, such facility shall comply with such emission limitations under such permit as may be necessary to assure that emissions of sulfur oxides from such source, together with all other sources, will exceed the otherwise applicable maximum allowable increases for a period of exposure of twenty-four hours or less on not more than eighteen days during any annual period and that during such day such emissions will not exceed the following maximum allowable increases over the baseline concentration for such pollutant:

MAXIMUM ALLOWABLE INCREASE [In micrograms per cubic meter]		
Period of exposure	Low terrain areas	High terrain areas
24-hr maximum.....	36	62
3-hr maximum.....	130	221

Analysis.

"(e)(1) The review provided for in subsection (a) shall be preceded by an analysis in accordance with regulations of the Administrator, promulgated under this subsection, which may be conducted by the State (or any general purpose unit of local government) or by the major emitting facility applying for such permit, of the ambient air quality at the proposed site and in areas which may be affected by emissions from such facility for each pollutant subject to regulation under this Act which will be emitted from such facility.

**Continuous air
quality
monitoring data.**

"(2) Effective one year after date of enactment of this part, the analysis required by this subsection shall include continuous air quality monitoring data gathered for purposes of determining whether emissions from such facility will exceed the maximum allowable increases or the maximum allowable concentration permitted under this part. Such data shall be gathered over a period of one calendar year preceding the date of application for a permit under this part unless the State, in accordance with regulations promulgated by the Administrator, determines that a complete and adequate analysis for such purposes may be accomplished in a shorter period. The results of such analysis shall be available at the time of the public hearing on the application for such permit.

Regulations.

Regulations.

"(3) The Administrator shall within six months after the date of enactment of this part promulgate regulations respecting the analysis required under this subsection which regulations—

"(A) shall not require the use of any automatic or uniform buffer zone or zones,

"(B) shall require an analysis of the ambient air quality, climate and meteorology, terrain, soils and vegetation, and visibility at the site of the proposed major emitting facility and in the area potentially affected by the emissions from such facility for each pollutant regulated under this Act which will be emitted from, or which results from the construction or operation of, such facility, the size and nature of the proposed facility, the degree of

continuous emission reduction which could be achieved by such facility, and such other factors as may be relevant in determining the effect of emissions from a proposed facility on any air quality control region,

“(C) shall require the results of such analysis shall be available at the time of the public hearing on the application for such permit, and

“(D) shall specify with reasonable particularity each air quality model or models to be used under specified sets of conditions for purposes of this part.

Any model or models designated under such regulations may be adjusted upon a determination, after notice and opportunity for public hearing, by the Administrator that such adjustment is necessary to take into account unique terrain or meteorological characteristics of an area potentially affected by emissions from a source applying for a permit required under this part.

Models,
adjustment.
Notice and
hearing.

“OTHER POLLUTANTS

“SEC. 166. (a) In the case of the pollutants hydrocarbons, carbon monoxide, photochemical oxidants, and nitrogen oxides, the Administrator shall conduct a study and not later than two years after the date of enactment of this part, promulgate regulations to prevent the significant deterioration of air quality which would result from the emissions of such pollutants. In the case of pollutants for which national ambient air quality standards are promulgated after the date of the enactment of this part, he shall promulgate such regulations not more than 2 years after the date of promulgation of such standards.

Study and
regulations.
42 USC 7476.

“(b) Regulations referred to in subsection (a) shall become effective one year after the date of promulgation. Within 21 months after such date of promulgation such plan revision shall be submitted to the Administrator who shall approve or disapprove the plan within 25 months after such date or promulgation in the same manner as required under section 110.

Effective date.

“(c) Such regulations shall provide specific numerical measures against which permit applications may be evaluated, a framework for stimulating improved control technology, protection of air quality values, and fulfill the goals and purposes set forth in section 101 and section 160.

Ante, pp.
691–696.

42 USC 7401.

“(d) The regulations of the Administrator under subsection (a) shall provide specific measures at least as effective as the increments established in section 163 to fulfill such goals and purposes, and may contain air quality increments, emission density requirements, or other measures.

“(e) With respect to any air pollutant for which a national ambient air quality standard is established other than sulfur oxides or particulate matter, an area classification plan shall not be required under this section if the implementation plan adopted by the State and submitted for the Administrator’s approval or promulgated by the Administrator under section 110(c) contains other provisions which when considered as a whole, the Administrator finds will carry out the purposes in section 160 at least as effectively as an area classification plan for such pollutant. Such other provisions referred to in the preceding sentence need not require the establishment of maximum allowable increases with respect to such pollutant for any area to which this section applies.

Ante, p. 694.

“ENFORCEMENT

- 42 USC 7477. “SEC. 167. The Administrator shall, and a State may, take such measures, including issuance of an order, or seeking injunctive relief, as necessary to prevent the construction of a major emitting facility which does not conform to the requirements of this part, or which is proposed to be constructed in any area included in the list promulgated pursuant to paragraph (1)(D) or (E) of subsection (d) of section 107 of this Act and which is not subject to an implementation plan which meets the requirements of this part.
- Ante*, p. 687.

“PERIOD BEFORE PLAN APPROVAL

- 42 USC 7478. “SEC. 168. (a) Until such time as an applicable implementation plan is in effect for any area, which ~~plan~~ meets the requirements of this part to prevent significant deterioration of air quality with respect to any air pollutant, applicable regulations under this Act prior to enactment of this part shall remain in effect to prevent significant deterioration of air quality in any such area for any such pollutant except as otherwise provided in subsection (b).
- Regulation. “(b) If any regulation in effect prior to enactment of this part to prevent significant deterioration of air quality would be inconsistent with the requirements of section 162(a), section 163(b) or section 164(a), then such regulations shall be deemed amended so as to conform with such requirements. In the case of a facility on which construction was commenced in accordance with this definition after June 1, 1975, and prior to the enactment of the Clean Air Act Amendments of 1977, the review and permitting of such facility shall be in accordance with the regulations for the prevention of significant deterioration in effect prior to the enactment of the Clean Air Act Amendments of 1977.

“DEFINITIONS

- 42 USC 7479. “SEC. 169. For purposes of this part—
- “(1) The term ‘major emitting facility’ means any of the following stationary sources of air pollutants which emit, or have the potential to emit, one hundred tons per year or more of any air pollutant from the following types of stationary sources: fossil-fuel fired steam electric plants of more than two hundred and fifty million British thermal units per hour heat input, coal cleaning plants (thermal dryers), kraft pulp mills, Portland Cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than two hundred and fifty tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production facilities, chemical process plants, fossil-fuel boilers of more than two hundred and fifty million British thermal units per hour heat input, petroleum storage and transfer facilities with a capacity exceeding three hundred thousand barrels, taconite ore processing facilities, glass fiber processing plants, charcoal production facilities. Such term also includes any other source with the potential to emit two hundred and fifty tons per year or more of any air pollutant. This term shall not include new or modified facilities

which are nonprofit health or education institutions which have been exempted by the State.

“(2) (A) The term ‘commenced’ as applied to construction of a major emitting facility means that the owner or operator has obtained all necessary preconstruction approvals or permits required by Federal, State, or local air pollution emissions and air quality laws or regulations and either has (i) begun, or caused to begin, a continuous program of physical on-site construction of the facility or (ii) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the facility to be completed within a reasonable time.

“(B) The term ‘necessary preconstruction approvals or permits’ means those permits or approvals, required by the permitting authority as a precondition to undertaking any activity under clauses (i) or (ii) of subparagraph (A) of this paragraph.

“(3) The term ‘best available control technology’ means an emission limitation based on the maximum degree of reduction of each pollutant subject to regulation under this Act emitted from or which results from any major emitting facility, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such facility through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of ‘best available control technology’ result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard established pursuant to section 111 or 112 of this Act.

“(4) The term ‘baseline concentration’ means, with respect to a pollutant, the ambient concentration levels which exist at the time of the first application for a permit in an area subject to this part, based on air quality data available in the Environmental Protection Agency or a State air pollution control agency and on such monitoring data as the permit applicant is required to submit. Such ambient concentration levels shall take into account all projected emissions in, or which may affect, such area from any major emitting facility on which construction commenced prior to January 6, 1975, but which has not begun operation by the date of the baseline air quality concentration determination. Emissions of sulfur oxides and particulate matter from any major emitting facility on which construction commenced after January 6, 1975, shall not be included in the baseline and shall be counted against the maximum allowable increases in pollutant concentrations established under this part.”.

(b) Within one year from the date of enactment of this Act the Administrator shall report to the Congress on the consequences of that portion of the definition of “major emitting facility” under the amendment made by subsection (a) which applies to facilities with the potential to emit two hundred and fifty tons per year or more. Such study shall examine the type of facilities covered, the air quality benefits of including such facilities, and the administrative aspect of regulating such facilities.

(c) Not later than one year after the date of enactment of this Act, the Administrator shall publish a guidance document to assist the

Ante, pp. 697,
699-701, 703;
Post, p. 791.
Ante, pp. 701,
703; *Post*, p. 791.

Report to
Congress.
42 USC 7479
note.

Guidance
document,
publication.
42 USC 7470
note.

Ante, p. 731.

States in carrying out their functions under part C of title I of the Clean Air Act (relating to prevention of significant deterioration of air quality) with respect to pollutants, other than sulfur oxides and particulates, for which national ambient air quality standards are promulgated. Such guidance document shall include recommended strategies for controlling photochemical oxidants on a regional or multistate basis for the purpose of implementing part C and section 110 of such Act.

Ante, pp.
691-696.

Study, report to
Congress.
42 USC 7470
note.

(d) Not later than two years after the date of enactment of this Act, the Administrator shall complete a study and report to the Congress on the progress made in carrying out part C of title I of the Clean Air Act (relating to significant deterioration of air quality) and the problems associated with carrying out such section, including recommendations for legislative changes necessary to implement strategies for controlling photochemical oxidants on a regional or multistate basis.

VISIBILITY PROTECTION

SEC. 128. (a) Part C of title I of the Clean Air Act, is amended by adding the following new section after section 168:

"SUBPART 2

"VISIBILITY PROTECTION FOR FEDERAL CLASS I AREAS

42 USC 7491.

"SEC. 169A. (a) (1) Congress hereby declares as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution.

Review,
consultation.

"(2) Not later than six months after the date of the enactment of this section, the Secretary of the Interior in consultation with other Federal land managers shall review all mandatory class I Federal areas and identify those where visibility is an important value of the area. From time to time the Secretary of the Interior may revise such identifications. Not later than one year after such date of enactment, the Administrator shall, after consultation with the Secretary of the Interior, promulgate a list of mandatory class I Federal areas in which he determines visibility is an important value.

Revision.
List.

Study, report to
Congress.

"(3) Not later than eighteen months after the date of enactment of this section, the Administrator shall complete a study and report to Congress on available methods for implementing the national goal set forth in paragraph (1). Such report shall include recommendations for—

Recommendations.

"(A) methods for identifying, characterizing, determining, quantifying, and measuring visibility impairment in Federal areas referred to in paragraph (1), and

"(B) modeling techniques (or other methods) for determining the extent to which manmade air pollution may reasonably be anticipated to cause or contribute to such impairment, and

"(C) methods for preventing and remedying such manmade air pollution and resulting visibility impairment.

Such report shall also identify the classes or categories of sources and the types of air pollutants which, alone or in conjunction with other sources or pollutants, may reasonably be anticipated to cause or contribute significantly to impairment of visibility.

Regulations,
notice and
hearing.

"(4) Not later than twenty-four months after the date of enactment of this section, and after notice and public hearing, the Administrator shall promulgate regulations to assure (A) reasonable progress toward

meeting the national goal specified in paragraph (1), and (B) compliance with the requirements of this section.

“(b) Regulations under subsection (a) (4) shall—

“(1) provide guidelines to the States, taking into account the recommendations under subsection (a) (3) on appropriate techniques and methods for implementing this section (as provided in subparagraphs (A) through (C) of such subsection (a) (3)), and

Guidelines to States.

“(2) require each applicable implementation plan for a State in which any area listed by the Administrator under subsection (a) (2) is located (or for a State the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility in any such area) to contain such emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress toward meeting the national goal specified in subsection (a), including—

“(A) except as otherwise provided pursuant to subsection (c), a requirement that each major stationary source which is in existence on the date of enactment of this section, but which has not been in operation for more than fifteen years as of such date, and which, as determined by the State (or the Administrator in the case of a plan promulgated under section 110(c)) emits any air pollutant which may reasonably be anticipated to cause or contribute to any impairment of visibility in any such area, shall procure, install, and operate, as expeditiously as practicable (and maintain thereafter) the best available retrofit technology, as determined by the State (or the Administrator in the case of a plan promulgated under section 110(c)) for controlling emissions from such source for the purpose of eliminating or reducing any such impairment, and

Emissions control retrofit technology.

Ante, p. 694.

“(B) a long-term (ten to fifteen years) strategy for making reasonable progress toward meeting the national goal specified in subsection (a).

In the case of a fossil-fuel fired generating powerplant having a total generating capacity in excess of 750 megawatts, the emission limitations required under this paragraph shall be determined pursuant to guidelines, promulgated by the Administrator under paragraph (1).

“(c) (1) The Administrator may, by rule, after notice and opportunity for public hearing, exempt any major stationary source from the requirement of subsection (b) (2) (A), upon his determination that such source does not or will not, by itself or in combination with other sources, emit any air pollutant which may reasonably be anticipated to cause or contribute to a significant impairment of visibility in any mandatory class I Federal area.

Exemption, notice and hearing.

“(2) Paragraph (1) of this subsection shall not be applicable to any fossil-fuel fired powerplant with total design capacity of 750 megawatts or more, unless the owner or operator of any such plant demonstrates to the satisfaction of the Administrator that such powerplant is located at such distance from all areas listed by the Administrator under subsection (a) (2) that such powerplant does not or will not, by itself or in combination with other sources, emit any air pollutant which may reasonably be anticipated to cause or contribute to significant impairment of visibility in any such area.

Applicability.

“(3) An exemption under this subsection shall be effective only upon concurrence by the appropriate Federal land manager or managers with the Administrator's determination under this subsection.

Concurrence by Federal land manager.

Consultation.
Land manager's
recommendations, summary.
Ante, p. 694.

"(d) Before holding the public hearing on the proposed revision of an applicable implementation plan to meet the requirements of this section, the State (or the Administrator, in the case of a plan promulgated under section 110(c)) shall consult in person with the appropriate Federal land manager or managers and shall include a summary of the conclusions and recommendations of the Federal land managers in the notice to the public.

Buffer zones.

"(e) In promulgating regulations under this section, the Administrator shall not require the use of any automatic or uniform buffer zone or zones.

Nondiscretionary duty.
42 USC 7604.

"(f) For purposes of section 304(a)(2), the meeting of the national goal specified in subsection (a)(1) by any specific date or dates shall not be considered a 'nondiscretionary duty' of the Administrator.

Definitions.

"(g) For the purpose of this section—

"(1) in determining reasonable progress there shall be taken into consideration the costs of compliance, the time necessary for compliance, and the energy and nonair quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirements;

"(2) in determining best available retrofit technology the State (or the Administrator in determining emission limitations which reflect such technology) shall take into consideration the costs of compliance, the energy and nonair quality environmental impacts of compliance, any existing pollution control technology in use at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology;

"(3) the term 'manmade air pollution' means air pollution which results directly or indirectly from human activities;

"(4) the term 'as expeditiously as practicable' means as expeditiously as practicable but in no event later than five years after the date of approval of a plan revision under this section (or the date of promulgation of such a plan revision in the case of action by the Administrator under section 110(c) for purposes of this section);

"(5) the term 'mandatory class I Federal areas' means Federal areas which may not be designated as other than class I under this part;

"(6) the terms 'visibility impairment' and 'impairment of visibility' shall include reduction in visual range and atmospheric discoloration; and

"(7) the term 'major stationary source' means the following types of stationary sources with the potential to emit 250 tons or more of any pollutant: fossil-fuel fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (thermal dryers), kraft pulp mills, Portland Cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production facilities, chemical process plants, fossil-fuel boilers of more than 250 million British thermal units per hour heat input, petroleum storage and transfer

facilities with a capacity exceeding 300,000 barrels, taconite ore processing facilities, glass fiber processing plants, charcoal production facilities.”

NONATTAINMENT AREAS

SEC. 129. (a) (1) Before July 1, 1979, the interpretative regulation of the Administrator of the Environmental Protection Agency published in 41 Federal Register 55524-30, December 21, 1976, as may be modified by rule of the Administrator, shall apply except that the baseline to be used for determination of appropriate emission offsets under such regulation shall be the applicable implementation plan of the State in effect at the time of application for a permit by a proposed major stationary source (within the meaning of section 302 of the Clean Air Act).

42 USC 7502
note.
41 CFR 51.18.

(2) Before July 1, 1979, the requirements of the regulation referred to in paragraph (1) shall be waived by the Administrator with respect to any pollutant if he determines that the State has—

Post, pp. 761,
769, 770.
Waiver.

(A) an inventory of emissions of the applicable pollutant for each nonattainment area (as defined in section 171 of the Clean Air Act) that identifies the type, quantity, and source of such pollutant so as to provide information sufficient to demonstrate that the requirements of subparagraph (C) are being met;

Emissions
inventory.
Post, p. 746.

(B) an enforceable permit program which—

Permit program.

(i) requires new or modified major stationary sources to meet emission limitations at least as stringent as required under the permit requirements referred to in paragraphs (2) and (3) of section 173 of the Clean Air Act (relating to lowest achievable emission rate and compliance by other sources) and which assures compliance with the annual reduction requirements of subparagraph (C); and

Post, p. 748.

(ii) requires existing sources to achieve such reduction in emissions in the area as may be obtained through the adoption, at a minimum of reasonably available control technology, and

(C) a program which requires reductions in total allowable emissions in the area prior to January 1, 1979, so as to provide for the same level of emission reduction as would result from the application of the regulation referred to in paragraph (1).

The Administrator shall terminate such waiver if in his judgment at the reduction in emissions actually being attained is less than the reduction on which the waiver was conditioned pursuant to subparagraph (C), or if the Administrator determines that the State is no longer in compliance with any requirement of this paragraph. Upon application by the State, the Administrator may reinstate a waiver terminated under the preceding sentence if he is satisfied that such State is in compliance with all requirements of this subsection.

Termination.

Reinstatement,
application.

(3) Operating permits may be issued to those applicants who were properly granted construction permits, in accordance with the law and applicable regulations in effect at the time granted, for construction of a new or modified source in areas exceeding national primary air quality standards on or before the date of the enactment of this Act if such construction permits were granted prior to the date of the enactment of this Act and the person issued any such permit is able to demonstrate that the emissions from the source will be within the limitations set forth in such construction permit.

Permits.

(b) Title I of such Act is amended by adding the following new part at the end thereof:

“PART D—PLAN REQUIREMENTS FOR NONATTAINMENT AREAS

“DEFINITIONS

42 USC 7501.
Ante, p. 694.

“SEC. 171. For the purpose of this part and section 110(a) (2) (I)—

“(1) The term ‘reasonable further progress’ means annual incremental reductions in emissions of the applicable air pollutant (including substantial reductions in the early years following approval or promulgation of plan provisions under this part and section 110(a) (2) (I) and regular reductions thereafter) which are sufficient in the judgment of the Administrator, to provide for attainment of the applicable national ambient air quality standard by the date required in section 172(a).

Ante, p. 687.

“(2) The term ‘nonattainment area’ means, for any air pollutant an area which is shown by monitored data or which is calculated by air quality modeling (or other methods determined by the Administrator to be reliable) to exceed any national ambient air quality standard for such pollutant. Such term includes any area identified under subparagraphs (A) through (C) of section 107(d) (1).

“(3) The term ‘lowest achievable emission rate’ means for any source, that rate of emissions which reflects—

“(A) the most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

“(B) the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

42 USC 7411.

“(4) The terms ‘modifications’ and ‘modified’ mean the same as the term ‘modification’ as used in section 111(a) (4) of this Act.

“NONATTAINMENT PLAN PROVISIONS

42 USC 7502.

“SEC. 172. (a) (1) The provisions of an applicable implementation plan for a State relating to attainment and maintenance of national ambient air quality standards in any nonattainment area which are required by section 110(a) (2) (I) as a precondition for the construction or modification of any major stationary source in any such area on or after July 1, 1979, shall provide for attainment of each such national ambient air quality standard in each such area as expeditiously as practicable, but, in the case of national primary ambient air quality standards, not later than December 31, 1982.

“(2) In the case of the national primary ambient air quality standard for photochemical oxidants or carbon monoxide (or both) if the State demonstrates to the satisfaction of the Administrator (on or before the time required for submission of such plan) that such attainment is not possible in an area with respect to either or both of such pollutants within the period prior to December 31, 1982, despite the implementation of all reasonably available measures, such provisions shall provide for the attainment of the national primary standard

for the pollutant (or pollutants) with respect to which such demonstration is made, as expeditiously as practicable but not later than December 31, 1987.

“(b) The plan provisions required by subsection (a) shall—

“(1) be adopted by the State (or promulgated by the Administrator under section 110(c)) after reasonable notice and public hearing;

Notice and
hearing.
Ante, p. 694.

“(2) provide for the implementation of all reasonably available control measures as expeditiously as practicable;

“(3) require, in the interim, reasonable further progress (as defined in section 171(1)) including such reduction in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology;

“(4) include a comprehensive, accurate, current inventory of actual emissions from all sources (as provided by rule of the Administrator) of each such pollutant for each such area which is revised and resubmitted as frequently as may be necessary to assure that the requirements of paragraph (3) are met and to assess the need for additional reductions to assure attainment of each standard by the date required under paragraph (1);

Emissions
inventory.

“(5) expressly identify and quantify the emissions, if any, of any such pollutant which will be allowed to result from the construction and operation of major new or modified stationary sources for each such area;

“(6) require permits for the construction and operation of new or modified major stationary sources in accordance with section 173 (relating to permit requirements);

Permits.

“(7) identify and commit the financial and manpower resources necessary to carry out the plan provisions required by this subsection;

“(8) contain emission limitations, schedules of compliance and such other measures as may be necessary to meet the requirements of this section;

“(9) evidence public, local government, and State legislative involvement and consultation in accordance with section 174 (relating to planning procedures) and include (A) an identification and analysis of the air quality, health, welfare, economic, energy, and social effects of the plan provisions required by this subsection and of the alternatives considered by the State, and (B) a summary of the public comment on such analysis;

“(10) include written evidence that the State, the general purpose local government or governments, or a regional agency designated by general purpose local governments for such purpose, have adopted by statute, regulation, ordinance, or other legally enforceable document, the necessary requirements and schedules and timetables for compliance, and are committed to implement and enforce the appropriate elements of the plan;

“(11) in the case of plans which make a demonstration pursuant to paragraph (2) of subsection (a)—

“(A) establish a program which requires, prior to issuance of any permit for construction or modification of a major emitting facility, an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and

Program.

Schedule
establishment.

social costs imposed as a result of its location, construction, or modification;

“(B) establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program; and

“(C) identify other measures necessary to provide for attainment of the applicable national ambient air quality standard not later than December 31, 1987.

“(c) In the case of a State plan revision required under the Clean Air Act Amendments of 1977 to be submitted before July 1, 1982, by reason of a demonstration under subsection (a) (2), effective on such date such plan shall contain enforceable measures to assure attainment of the applicable standard not later than July 1, 1987.

“PERMIT REQUIREMENTS

42 USC 7503.

“SEC. 173. The permit program required by section 172(b) (6) shall provide that permits to construct and operate may be issued if—

“(1) the permitting agency determines that—

“(A) by the time the facility is to commence operation, total allowable emissions from existing sources in the region, from new sources which are not major emitting facilities, and from the proposed facility will be sufficiently less than total emissions from existing sources allowed under the implementation plan prior to the application for such permit to construct or modify so as to represent (when considered together with the plan provisions required under section 172) reasonable further progress (as defined in section 171); or

“(B) that emissions of such pollutant resulting from the proposed new or modified major stationary source will not cause or contribute to emissions levels which exceed the allowance permitted for such pollutant for such area from new or modified major stationary sources under section 172(b);

“(2) the proposed source is required to comply with the lowest achievable emission rate; and

“(3) the owner or operator of the proposed new or modified source has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in such State are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under this Act.

Any emission reductions required as a precondition of the issuance of a permit under paragraph (1) (A) shall be legally binding before such permit may be issued.

“PLANNING PROCEDURES

42 USC 7504.

“SEC. 174. (a) Within six months after the enactment of the Clean Air Act Amendments of 1977, for each region in which the national primary ambient air quality standard for carbon monoxide or photochemical oxidants will not be attained by July 1, 1979, the State and elected officials of affected local governments shall jointly determine which elements of a revised implementation plan will be planned for and implemented or enforced by the State and which such elements will be planned for and implemented or enforced by local governments or regional agencies, or any combination of local

governments, regional agencies, or the State. Where possible within the time required under this subsection, the implementation plan required by this part shall be prepared by an organization of elected officials of local governments designated by agreement of the local governments in an affected area, and certified by the State for this purpose. Where such an organization has not been designated by agreement within six months after the enactment of the Clean Air Act Amendments of 1977, the Governor (or, in the case of an interstate area, Governors), after consultation with elected officials of local governments, and in accordance with the determination under the first sentence of this subparagraph, shall designate an organization of elected officials of local governments in the affected area or a State agency to prepare such plan. Where feasible, such organization shall be the metropolitan planning organization designated to conduct the continuing, cooperative and comprehensive transportation planning process for the area under section 134 of title 23, United States Code, or the organization responsible for the air quality maintenance planning process under regulations implementing this section, or the organization with both responsibilities.

Consultation.

“(b) The preparation of implementation plan provisions under this part shall be coordinated with the continuing, cooperative, and comprehensive transportation planning process required under section 134 of title 23, United States Code, and the air quality maintenance planning process required under section 110, and such planning processes shall take into account the requirements of this part.

Ante, pp. 691-696.

“ENVIRONMENTAL PROTECTION AGENCY GRANTS

“Sec. 175. (a) The Administrator shall make grants to any organization of local elected officials with transportation or air quality maintenance planning responsibilities recognized by the State under section 174(a) for payment of the reasonable costs of developing a plan revision under this part.

42 USC 7505.

“(b) The amount granted to any organization under subsection (a) shall be 100 percent of any additional costs of developing a plan revision under this part for the first two fiscal years following receipt of the grant under this paragraph, and shall supplement any funds available under Federal law to such organization for transportation or air quality maintenance planning. Grants under this section shall not be used for construction.

“LIMITATIONS ON CERTAIN FEDERAL ASSISTANCE

“Sec. 176. (a) The Administrator shall not approve any projects or award any grants authorized by this Act and the Secretary of Transportation shall not approve any projects or award any grants under title 23, United States Code, other than for safety, mass transit, or transportation improvement projects related to air quality improvement or maintenance, in any air quality control region—

42 USC 7506.

“(1) in which any primary ambient air quality standard has not been attained,

“(2) where transportation control measures are necessary for the attainment of such standard, and

23 USC 101 *et seq.*

“(3) where the Administrator finds after July 1, 1979, that the Governor has not submitted an implementation plan which considers each of the elements required by section 172 or that reasonable efforts toward submitting such an implementation plan

are not being made (or, after July 1, 1982, in the case of an implementation plan revision required under section 172 to be submitted before July 1, 1982).

“(b) In any area in which the State or, as the case may be, the general purpose local government or governments or any regional agency designated by such general purpose local governments for such purpose, is not implementing any requirement of an approved or promulgated plan under section 110, including any requirement for a revised implementation plan under this part, the Administrator shall not make any grants under this Act.

Ante, pp.
691-696.

“(c) No department, agency, or instrumentality of the Federal Government shall (1) engage in, (2) support in any way or provide financial assistance for, (3) license or permit, or (4) approve, any activity which does not conform to a plan after it has been approved or promulgated under section 110. No metropolitan planning organization designated under section 134 of title 23, United States Code, shall give its approval to any project, program, or plan which does not conform to a plan approved or promulgated under section 110. The assurance of conformity to such a plan shall be an affirmative responsibility of the head of such department, agency, or instrumentality.

“(d) Each department, agency, or instrumentality of the Federal Government having authority to conduct or support any program with air-quality related transportation consequences shall give priority in the exercise of such authority, consistent with statutory requirements for allocation among States or other jurisdictions, to the implementation of those portions of plans prepared under this section to achieve and maintain the national primary ambient air quality standard. This paragraph extends to, but is not limited to, authority exercised under the Urban Mass Transportation Act, title 23 of the United States Code, and the Housing and Urban Development Act.

49 USC 1601
note.
12 USC 1749aa
note.

“NEW MOTOR VEHICLE EMISSION STANDARDS IN NONATTAINMENT AREAS

42 USC 7507.
42 USC 7543.

“SEC. 177. Notwithstanding section 209(a), any State which has plan provisions approved under this part may adopt and enforce for any model year standards relating to control of emissions from new motor vehicles or new motor vehicle engines and take such other actions as are referred to in section 209(a) respecting such vehicles if—

“(1) such standards are identical to the California standards for which a waiver has been granted for such model year, and

“(2) California and such State adopt such standards at least two years before commencement of such model year (as determined by regulations of the Administrator).

“GUIDANCE DOCUMENTS

42 USC 7508.
Ante, p. 689;
Post, p. 790.

“SEC. 178. The Administrator shall issue guidance documents under section 108 for purposes of assisting States in implementing requirements of this part respecting the lowest achievable emission rate. Such a document shall be published not later than nine months after the date of enactment of this part and shall be revised at least every two years thereafter.”

Implementation
plan revision.
42 USC 7502
note.
Post, p. 795.
Ante, pp. 693,
694.

(c) Notwithstanding the requirements of section 406(d)(2) (relating to date required for submission of certain implementation plan revisions), for purposes of section 110(a)(2) of the Clean Air Act each State in which there is any nonattainment area (as defined in

subpart D of the Clean Air Act) shall adopt and submit an implementation plan revision which meets the requirements of section 101 (a)(2)(I) and subpart D of the Clean Air Act not later than January 1, 1979. In the case of any State for which a plan revision adopted and submitted before such date has made the demonstration required under section 172(a)(2) of the Clean Air Act (respecting impossibility of attainment before 1983), such State shall adopt and submit to the Administrator a plan revision before July 1, 1982, which meets the requirements of section 172 (b) and (c) of such Act.

42 USC 7401.
Ante, p. 746.
State plan
adoption,
submission to
Administrator.

TITLE II—AMENDMENTS RELATING PRIMARILY TO TITLE II OF THE CLEAN AIR ACT

LIGHT-DUTY MOTOR VEHICLE EMISSIONS

SEC. 201. (a) Subparagraph (A) of section 202(b)(1) of the Clean Air Act is amended to read as follows:

Standards.
42 USC 7521.

“(A) The regulations under subsection (a) applicable to emissions of carbon monoxide and hydrocarbons from light-duty vehicles and engines manufactured during model years 1977 through 1979 shall contain standards which provide that such emissions from such vehicles and engines may not exceed 1.5 grams per vehicle mile of hydrocarbons and 15.0 grams per vehicle mile of carbon monoxide. The regulations under subsection (a) applicable to emissions of carbon monoxide from light-duty vehicles and engines manufactured during the model year 1980 shall contain standards which provide that such emissions may not exceed 7.0 grams per vehicle mile. The regulations under subsection (a) applicable to emissions of hydrocarbons from light-duty vehicles and engines manufactured during or after model year 1980 shall contain standards which require a reduction of at least 90 percent from emissions of such pollutant allowable under the standards under this section applicable to light-duty vehicles and engines manufactured in model year 1970. Unless waived as provided in paragraph (5), regulations under subsection (a) applicable to emissions of carbon monoxide from light-duty vehicles and engines manufactured during or after the model year 1981 shall contain standards which require a reduction of at least 90 percent from emissions of such pollutant allowable under the standards under this section applicable to light-duty vehicles and engines manufactured in model year 1970.”.

(b) Subparagraph (B) of section 202(b)(1) of such Act is amended to read as follows:

Standards.

“(B) The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during model years 1977 through 1980 shall contain standards which provide that such emissions from such vehicles and engines may not exceed 2.0 grams per vehicle mile. The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during the model year 1981 and thereafter shall contain standards which provide that such emissions from such vehicles and engines may not exceed 1.0 gram per vehicle mile. The Administrator shall prescribe standards in lieu of those required by the preceding sentence, which provide that emissions of oxides of nitrogen may not exceed 2.0 grams per vehicle mile for any light-duty vehicle manufactured during model years 1981 and 1982 by any manufacturer whose production, by corporate identity, for

model year 1976 was less than three hundred thousand light-duty motor vehicles worldwide if the Administrator determines that—

“(i) the ability of such manufacturer to meet emission standards in the 1975 and subsequent model years was, and is, primarily dependent upon technology developed by United States manufacturers and purchased from such manufacturers; and

“(ii) such manufacturer lacks the financial resources and technological ability to develop such technology.”

42 USC 7521.

(c) Section 202(b) of such Act is amended by striking out paragraph (5) thereof and substituting the following:

Waiver,
application.

“(5) (A) At any time after August 31, 1978, any manufacturer may file an application requesting the waiver for model years 1981 and 1982 of the effective date of the emission standard required by paragraph (1) (A) for carbon monoxide applicable to any model (as determined by the Administration) of light-duty motor vehicles and engines manufactured in such model years. The Administrator shall make his determination with respect to any such application within sixty days after such application is filed with respect to such model. If he determines, in accordance with the provisions of this paragraph, that such waiver should be granted, he shall simultaneously with such determination prescribe by regulation emission standards which shall apply (in lieu of the standards required to be prescribed by paragraph (1) (A) of this subsection) to emissions of carbon monoxide from such model of vehicles or engines manufactured during model years 1981 and 1982.

Standards,
regulations.

Limitation.

“(B) Any standards prescribed under this paragraph shall not permit emissions of carbon monoxide from vehicles and engines to which such waiver applies to exceed 7.0 grams per vehicle per mile.

Decision.
Hearing.

“(C) Within sixty days after receipt of the application for any such waiver and after public hearing, the Administrator shall issue a decision granting or refusing such waiver. The Administrator may grant such waiver if he finds that protection of the public health does not require attainment of such 90 percent reduction for carbon monoxide for the model years to which such waiver applies in the case of such vehicles and engines and if he determines that—

“(i) such waiver is essential to the public interest or the public health and welfare of the United States;

“(ii) all good faith efforts have been made to meet the standards established by this subsection;

“(iii) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy; and

“(iv) studies and investigations of the National Academy of Sciences conducted pursuant to subsection (c) and other information available to him has not indicated that technology, processes, or other alternatives are available (within the meaning of clause (iii)) to meet such standards.

Waiver, petition.
Notice and
hearing.

“(6) (A) Upon the petition of any manufacturer, the Administrator, after notice and opportunity for public hearing, may waive the standard required under subparagraph (B) of paragraph (1) to not exceed 1.5 grams of oxides of nitrogen per vehicle mile for any class or category of light-duty vehicles or engines manufactured by such manufacturer during any period of up to four model years beginning

after the model year 1980 if the manufacturer demonstrates that such waiver is necessary to permit the use of an innovative power train technology, or innovative emission control device or system, in such class or category of vehicles or engines and that such technology or system was not utilized by more than 1 percent of the light-duty vehicles sold in the United States in the 1975 model year. Such waiver may be granted only if the Administrator determines—

“(i) that such waiver would not endanger public health,

“(ii) that there is a substantial likelihood that the vehicles or engines will be able to comply with the applicable standard under this section at the expiration of the waiver, and

“(iii) that the technology or system has a potential for long-term air quality benefit and has the potential to meet or exceed the average fuel economy standard applicable under the Energy Policy and Conservation Act upon the expiration of the waiver.

No waiver under this subparagraph granted to any manufacturer shall apply to more than 5 percent of such manufacturer's production or more than fifty thousand vehicles or engines, whichever is greater.

“(B) Upon the petition of any manufacturer, the Administrator, after notice and opportunity for public hearing, may waive the standard required under subparagraph (B) of paragraph (1) to not to exceed 1.5 grams of oxides of nitrogen per vehicle mile for any class or category of light-duty vehicles and engines manufactured by such manufacturer during the four model year period beginning with the model year 1981 if the manufacturer can show that such waiver is necessary to permit the use of diesel engine technology in such class or category of vehicles or engines. Such waiver may be granted if the Administrator determines—

“(i) that such waiver will not endanger public health,

“(ii) that such waiver will result in significant fuel savings at least equal to the fuel economy standard applicable in each year under the Energy Policy and Conservation Act, and

“(iii) that the technology has a potential for long-term air quality benefit and has the potential to meet or exceed the average fuel economy standard applicable under the Energy Policy and Conservation Act at the expiration of the waiver.”.

42 USC 6201
note.

Applicability.

Waiver, petition.
Notice and
hearing.

STUDIES AND RESEARCH OBJECTIVE FOR OXIDES OF NITROGEN

SEC. 202. (a) The Administrator of the Environmental Protection Agency shall conduct a study of the public health implications of attaining an emission standard on oxides of nitrogen from light duty vehicles of 0.4 gram per vehicle mile, the cost and technological capability of attaining such standard, and the need for such a standard to protect public health or welfare. The Administrator shall submit a report of such study to the Congress, together with recommendations not later than July 1, 1980.

42 USC 7521
note.

(b) Section 202(b) of the Clean Air Act is amended by adding a new paragraph (7) as follows:

Report to
Congress,
recommendations.

Ante, p. 752.

“(7) The Congress hereby declares and establishes as a research objective, the development of propulsion systems and emission control technology to achieve standards which represent a reduction of at least 90 per centum from the average emissions of oxides of nitrogen actually measured from light duty motor vehicles manufactured in model year 1971 not subject to any Federal or State emission standard

**Regulations.
Demonstration
vehicles.**

for oxides of nitrogen. The Administrator shall, by regulations promulgated within one hundred and eighty days after enactment of the Clean Air Act Amendments of 1977, require each manufacturer whose sales represent at least 0.5 per centum of light duty motor vehicle sales in the United States, to build and, on a regular basis, demonstrate the operation of light duty motor vehicles that meet this research objective, in addition to any other applicable standards or requirements for other pollutants under this Act. Such demonstration vehicles shall be submitted to the Administrator no later than model year 1979 and in each model year thereafter. Such demonstration shall, in accordance with applicable regulations, to the greatest extent possible, (A) be designed to encourage the development of new powerplant and emission control technologies that are fuel efficient, (B) assure that the demonstration vehicles are or could reasonably be expected to be within the productive capability of the manufacturers, and (C) assure the utilization of optimum engine, fuel, and emission control systems.”.

STUDY AND REPORT OF FUEL CONSUMPTION

**Report to
Congress.
42 USC 7551.**

SEC. 203. (a) Following each motor vehicle model year, the Administrator of the Environmental Protection Agency shall report to the Congress respecting the motor vehicle fuel consumption associated with the standards applicable for the immediately preceding model year.

**Submittal to
Congress.**

(b) The Secretary of Transportation and the Secretary of Energy shall each submit to Congress, as promptly as practicable following submission by the Administrator of the fuel consumption report referred to in subsection (a), separate reports respecting such fuel consumption.

STATE GRANTS

42 USC 7544.

SEC. 204. Section 210 of such Act is amended by adding the following at the end thereof: “Grants may be made under this section by way of reimbursement in any case in which amounts have been expended by the State before the date on which any such grant was made.”.

COST OF CERTAIN EMISSION CONTROL PARTS

**Post, p. 756.
42 USC 7541.**

SEC. 205. Section 207(a) of the Clean Air Act is amended by adding the following at the end thereof: “(3) The cost of any part, device, or component of any light-duty vehicle that is designed for emission control and which in the instructions issued pursuant to subsection (c)(3) of this section is scheduled for replacement during the useful life of the vehicle in order to maintain compliance with regulations under section 202 of this Act, the failure of which shall not interfere with the normal performance of the vehicle, and the expected retail price of which, including installation costs, is greater than 2 percent of the suggested retail price of such vehicle, shall be borne or reimbursed at the time of replacement by the vehicle manufacturer and such replacement shall be provided without cost to the ultimate purchaser, subsequent purchaser, or dealer. The term ‘designed for emission control’ as used in the preceding sentence means a catalytic converter, thermal reactor, or other component installed on or in a vehicle for the sole or primary purpose of reducing vehicle emissions (not including those vehicle components which were in general use prior to model year 1968 and the primary function of which is not related to emission control).”.

Post, p. 755.

**Ante, pp. 702,
751-753; Post,
pp. 758-761,
765, 767, 769,
791.**

**“Designed for
emission
control.”**

WARRANTIES

SEC. 206. Section 203(a)(4) of the Clean Air Act is amended by striking “or” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a comma, and by adding the following new subparagraphs:

“(C) except as provided in subsection (c)(3) of section 207, to provide directly or indirectly in any communication to the ultimate purchaser or any subsequent purchaser that the coverage of any warranty under this Act is conditioned upon use of any part, component, or system manufactured by such manufacturer or any person acting for such manufacturer or under his control, or conditioned upon service performed by any such person,

“(D) to fail or refuse to comply with the terms and conditions of the warranty under section 207(a) or (b) with respect to any vehicle.”

Infra.

Ante, p. 754;
Post, p. 756.

CALIFORNIA WAIVER

SEC. 207. Section 209(b) of the Clean Air Act is amended to read as follows:

“(b)(1) The Administrator shall, after notice and opportunity for public hearing, waive application of this section to any State which has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. No such waiver shall be granted if the Administrator finds that—

Notice and
hearing.

“(A) the determination of the State is arbitrary and capricious,

“(B) such State does not need such State standards to meet compelling and extraordinary conditions, or

“(C) such State standards and accompanying enforcement procedures are not consistent with section 202(a) of this part.

Post, pp. 759,
760, 765, 791.

“(2) If each State standard is at least as stringent as the comparable applicable Federal standard, such State standard shall be deemed to be at least as protective of health and welfare as such Federal standards for purposes of paragraph (1).

“(3) In the case of any new motor vehicle or new motor vehicle engine to which State standards apply pursuant to a waiver granted under paragraph (1), compliance with such State standards shall be treated as compliance with applicable Federal standards for purposes of this title.”

MAINTENANCE INSTRUCTIONS

SEC. 208. Paragraph (3) of subsection (c) of section 207 of the Clean Air Act is amended to read as follows:

42 USC 7541.

“(3)(A) The manufacturer shall furnish with each new motor vehicle or motor vehicle engine written instructions for the proper maintenance and use of the vehicle or engine by the ultimate purchaser and such instructions shall correspond to regulations which the Administrator shall promulgate. The manufacturer shall provide in bold-face type on the first page of the written maintenance instructions notice that maintenance, replacement, or repair of the emission control devices and systems may be performed by any automotive repair establishment or individual using any automotive part which has been certified as provided in subsection (a)(2).

Post, p. 756.

“(B) The instruction under subparagraph (A) of this paragraph

shall not include any condition on the ultimate purchaser's using, in connection with such vehicle or engine, any component or service (other than a component or service provided without charge under the terms of the purchase agreement) which is identified by brand, trade, or corporate name; or directly or indirectly distinguishing between service performed by the franchised dealers of such manufacturer or any other service establishments with which such manufacturer has a commercial relationship, and service performed by independent automotive repair facilities with which such manufacturer has no commercial relationship; except that the prohibition of this subsection may be waived by the Administrator if—

“(i) the manufacturer satisfies the Administrator that the vehicle or engine will function properly only if the component or service so identified is used in connection with such vehicle or engine, and

“(ii) the Administrator finds that such a waiver is in the public interest.

Certificate of conformity, label.

“(C) In addition, the manufacturer shall indicate by means of a label or tag permanently affixed to such vehicle or engine that such vehicle or engine is covered by a certificate of conformity issued for the purpose of assuring achievement of emissions standards prescribed under section 202 of this Act. Such label or tag shall contain such other information relating to control of motor vehicle emissions as the Administrator shall prescribe by regulation.”.

Ante, pp. 702, 751-753; *Post*, pp. 758-761, 765, 767, 769, 791.

WARRANTIES AND MOTOR VEHICLE PARTS CERTIFICATION

42 USC 7541.

SEC. 209. (a) Section 207(b)(2) of the Clean Air Act is amended by adding the following at the end thereof: “No such warranty shall be invalid on the basis of any part used in the maintenance or repair of a vehicle or engine if such part was certified as provided under subsection (a)(2).”.

Ante, p. 754.

(b) Section 207(a) of such Act is amended by striking out “(1)” and “(2)” and inserting in lieu thereof “(A)” and “(B)” respectively, by inserting “(1)” after “(a)” and by adding the following new paragraph at the end thereof:

Regulations.

“(2) In the case of a motor vehicle part or motor vehicle engine part, the manufacturer or rebuilder of such part may certify that use of such part will not result in a failure of the vehicle or engine to comply with emission standards promulgated under section 202. Such certification shall be made only under such regulations as may be promulgated by the Administrator to carry out the purposes of subsection (b). The Administrator shall promulgate such regulations no later than two years following the date of the enactment of this paragraph.”.

“Emission control device or system.”

(c) Section 207(b) of such Act, as amended by subsection (a), is amended by adding the following at the end thereof: “For purposes of the warranty under this subsection, for the period after twenty-four months or twenty-four thousand miles (whichever first occurs) the term ‘emission control device or system’ means a catalytic converter, thermal reactor, or other component installed on or in a vehicle for the sole or primary purpose of reducing vehicle emissions. Such term shall not include those vehicle components which were in general use prior to model year 1968.”.

REPAIR AT OWNER'S PLACE OF CHOOSING

SEC. 210. Section 207 of the Clean Air Act is amended by adding the following new subsection:

“(g) For the purposes of this section, the owner of any motor vehicle or motor vehicle engine warranted under this section is responsible in the proper maintenance of such vehicle or engine to replace and to maintain, at his expense at any service establishment or facility of his choosing, such items as spark plugs, points, condensers, and any other part, item, or device related to emission control (but not designed for emission control under the terms of the last three sentences of section 207(a)(1)), unless such part, item, or device is covered by any warranty not mandated by this Act.”

Ante, p. 756.

HIGH ALTITUDE PERFORMANCE ADJUSTMENTS

SEC. 211. (a) Section 203(a) of the Clean Air Act is amended by adding the following at the end thereof: “No action with respect to any element of design referred to in paragraph (3) (including any adjustment or alteration of such element) shall be treated as a prohibited Act under such paragraph (3) if such action is in accordance with section 215”.

Ante, p. 755;
Post, p. 762.

(b) Part A of title II of such Act is amended by inserting the following new section after section 214:

Infra.

“HIGH ALTITUDE PERFORMANCE ADJUSTMENTS

“Sec. 215. (a)(1) Any action taken with respect to any element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title (including any alteration or adjustment of such element), shall be treated as not in violation of section 203(a) if such action is performed in accordance with high altitude adjustment instructions provided by the manufacturer under subsection (b) and approved by the Administrator.

42 USC 7549.

“(2) If the Administrator finds that adjustments or modifications made pursuant to instructions of the manufacturer under paragraph (1) will not insure emission control performance with respect to each standard under section 202 at least equivalent to that which would result if no such adjustments or modifications were made, he shall disapprove such instructions. Such finding shall be based upon minimum engineering evaluations consistent with good engineering practice.

Supra.

Finding.

“(b)(1) Instructions respecting each class or category of vehicles or engines to which this title applies providing for such vehicle and engine adjustments and modifications as may be necessary to insure emission control performance at different altitudes shall be submitted by the manufacturer to the Administrator pursuant to regulations promulgated by the Administrator.

Ante, pp. 702,
751-753; *Post*,
pp. 758-761,
765, 767, 769,
791.

“(2) Any knowing violation by a manufacturer of requirements of the Administrator under paragraph (1) shall be treated as a violation by such manufacturer of section 203(a)(3) for purposes of the penalties contained in section 205.

Violations.

“(3) Such instructions shall provide, in addition to other adjustments, for adjustments for vehicles moving from high altitude areas to low altitude areas after the initial registration of such vehicles.

Post, p. 762.

“(c) No instructions under this section respecting adjustments or modifications may require the use of any manufacturer parts (as defined in section 203(a)) unless the manufacturer demonstrates to the satisfaction of the Administrator that the use of such manufacturer parts is necessary to insure emission control performance.

Effective date.

"(d) Before January 1, 1981 the authority provided by this section shall be available in any high altitude State (as determined under regulations of the Administrator under regulations promulgated before the date of the enactment of this Act) but after December 31, 1981, such authority shall be available only in any such State in which an inspection and maintenance program for the testing of motor vehicle emissions has been instituted for the portions of the State where any national ambient air quality standard for auto-related pollutants has not been attained."

DEALER CERTIFICATION

Ante, pp.
754-756.

SEC. 212. Section 207 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(f) (1) Upon the sale of each new light-duty motor vehicle by a dealer, the dealer shall furnish to the purchaser a certificate that such motor vehicle conforms to the applicable regulations under section 202, including notice of the purchaser's rights under paragraph (2).

Ante, pp. 702,
751-753; *Post*,
pp. 758-761,
765, 767, 769,
791.

"(2) If at any time during the period for which the warranty applies under subsection (b), a motor vehicle fails to conform to the applicable regulations under section 202 as determined and subsection (b) of this section such nonconformity shall be remedied by the manufacturer at the cost of the manufacturer pursuant to such warranty as provided in section 207(b)(2) (without regard to subparagraph (C) thereof).

42 USC 7543.

"(3) Nothing in section 209(a) shall be construed to prohibit a State from testing, or requiring testing of, a motor vehicle after the date of sale of such vehicle to the ultimate purchaser (except that no new motor vehicle manufacturer or dealer may be required to conduct testing under this paragraph)."

HIGH ALTITUDE REGULATIONS

42 USC 7525.

SEC. 213. (a) Section 206 of the Clean Air Act is amended by adding the following new subsection:

"(f) (1) All light duty vehicles and engines manufactured during or after model year 1984 shall comply with the requirements of section 202 of this Act regardless of the altitude at which they are sold.

Report to
Congress.

"(2) By October 1, 1978, the Administrator shall report to the Congress on the economic impact and technological feasibility of the requirements found in subparagraph (1) of this subsection. The report is also to evaluate the technological feasibility and the health consequences of separate proportional emission standards for light duty vehicles and engines in high altitude areas that would reflect a comparable percentage of reduction in emissions to that achieved by light duty vehicles and engines in low altitude areas."

42 USC 7521.

(b) Section 202 of such Act is amended by adding the following new subsection at the end thereof:

Applicability.

"(f) (1) The high altitude regulation in effect with respect to model year 1977 motor vehicles shall not apply to the manufacture, distribution, or sale of 1978 and later model year motor vehicles. Any future regulation affecting the sale or distribution of motor vehicles or engines manufactured before the model year 1984 in high altitude areas of the country shall take effect no earlier than model year 1981.

Emission
reduction
percentage.

"(2) Any such future regulation applicable to high altitude vehicles or engines shall not require a percentage of reduction in the emissions

of such vehicles which is greater than the required percentage of reduction in emissions from motor vehicles as set forth in section 202(b). This percentage reduction shall be determined by comparing any proposed high altitude emission standards to high altitude emissions from vehicles manufactured during model year 1970. In no event shall regulations applicable to high altitude vehicles manufactured before the model year 1984 establish a numerical standard which is more stringent than that applicable to vehicles certified under non-high altitude conditions.

“(3) Section 307(d) shall apply to any high altitude regulation referred to in paragraph (2) and before promulgating any such regulation, the Administrator shall consider and make a finding with respect to—

Applicability.
Post, p. 772.

“(A) the economic impact upon consumers, individual high altitude dealers, and the automobile industry of any such regulation, including the economic impact which was experienced as a result of the regulation imposed during model year 1977 with respect to high altitude certification requirements;

“(B) the present and future availability of emission control technology capable of meeting the applicable vehicle and engine emission requirements without reducing model availability; and

“(C) the likelihood that the adoption of such a high altitude regulation will result in any significant improvement in air quality in any area to which it shall apply.”.

ASSURANCE OF PROTECTION OF PUBLIC HEALTH AND SAFETY

SEC. 214. (a) Section 202(a) of the Clean Air Act is amended by inserting “paragraph (1) of” before “this subsection” in paragraph (2) thereof and by adding a new paragraph at the end thereof:

Post, p. 765.
42 USC 7521.

“(4) (A) Effective with respect to vehicles and engines manufactured after model year 1978, no emission control device, system, or element of design shall be used in a new motor vehicle or new motor vehicle engine for purposes of complying with standards prescribed under this subsection if such device, system, or element of design will cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function.

“(B) In determining whether an unreasonable risk exists under subparagraph (A), the Administrator shall consider, among other factors, (i) whether and to what extent the use of any device, system, or element of design causes, increases, reduces, or eliminates emissions of any unregulated pollutants; (ii) available methods for reducing or eliminating any risk to public health, welfare, or safety which may be associated with the use of such device, system, or element of design, and (iii) the availability of other devices, systems, or elements of design which may be used to conform to standards prescribed under this subsection without causing or contributing to such unreasonable risk. The Administrator shall include in the consideration required by this paragraph all relevant information developed pursuant to section 214.”.

(b) Section 206(a) of such Act is amended by adding at the end thereof the following:

Post, p. 767.
Certificate of conformity.
Post, p. 762.

“(3) (A) A certificate of conformity may be issued under this section only if the Administrator determines that the manufacturer (or in the case of a vehicle or engine for import, any person) has established to the satisfaction of the Administrator that any emission control device, system, or element of design installed on, or incorpo-

Ante, p. 759.
Testing and
reporting
requirements.

rated in, such vehicle or engine conforms to applicable requirements of section 202(a)(4).

“(B) The Administrator may conduct such tests and may require the manufacturer (or any such person) to conduct such tests and provide such information as is necessary to carry out subparagraph (A) of this paragraph. Such requirements shall include a requirement for prompt reporting of the emission of any unregulated pollutant from a system, device, or element of design if such pollutant was not emitted, or was emitted in significantly lesser amounts, from the vehicle or engine without use of the system, device, or element of design.”

42 USC 7525.

(c)(1) Section 206(b)(2)(A)(i) of such Act is amended by inserting “and with the requirements of section 202(a)(4)” after “conformity was issued”.

(2) Section 206(b)(2)(A) of such Act is amended by inserting “and requirements” after “such regulations” in each place it appears.

FILL PIPE STANDARDS

Ante, p. 759.

SEC. 215. Section 202(a) of the Clean Air Act is amended by adding the following new paragraph at the end thereof:

New motor
vehicles,
regulations.

“(5)(A) If the Administrator promulgates final regulations which define the degree of control required and the test procedures by which compliance could be determined for gasoline vapor recovery of uncontrolled emissions from the fueling of motor vehicles, the Administrator shall, after consultation with the Secretary of Transportation with respect to motor vehicle safety, prescribe, by regulation, fill pipe standards for new motor vehicles in order to insure effective connection between such fill pipe and any vapor recovery system which the Administrator determines may be required to comply with such vapor recovery regulations. In promulgating such standards the Administrator shall take into consideration limits on fill pipe diameter, minimum design criteria for nozzle retainer lips, limits on the location of the unleaded fuel restrictors, a minimum access zone surrounding a fill pipe, a minimum pipe or nozzle insertion angle, and such other factors as he deems pertinent.

“(B) Regulations prescribing standards under subparagraph (A) shall not become effective until the introduction of the model year for which it would be feasible to implement such standards, taking into consideration the restraints of an adequate leadtime for design and production.

“(C) Nothing in subparagraph (A) shall (i) prevent the Administrator from specifying different nozzle and fill neck sizes for gasoline with additives and gasoline without additives or (ii) permit the Administrator to require a specific location, configuration, modeling, or styling of the motor vehicle body with respect to the fuel tank fill neck or fill nozzle clearance envelope.

“Fill pipe.”

“(D) For the purpose of this paragraph, the term ‘fill pipe’ shall include the fuel tank fill pipe, fill neck, fill inlet, and closure.”.

ONBOARD HYDROCARBON TECHNOLOGY

Supra.

SEC. 216. Section 202(a) of the Clean Air Act is amended by adding the following new paragraph at the end thereof:

Feasibility
determination.

“(6) The Administrator shall determine the feasibility and desirability of requiring new motor vehicles to utilize onboard hydrocarbon control technology which would avoid the necessity of gasoline vapor

recovery of uncontrolled emissions emanating from the fueling of motor vehicles. The Administrator shall compare the costs and effectiveness of such technology to that of implementing and maintaining vapor recovery systems (taking into consideration such factors as fuel economy, economic costs of such technology, administrative burdens, and equitable distribution of costs). If the Administrator finds that it is feasible and desirable to employ such technology, he shall, after consultation with the Secretary of Transportation with respect to motor vehicle safety, prescribe, by regulation, standards requiring the use of onboard hydrocarbon technology which shall not become effective until the introduction to the model year for which it would be feasible to implement such standards, taking into consideration compliance costs and the restraints of an adequate lead time for design and production.”

Regulations.

TEST PROCEDURES FOR MEASURING EVAPORATIVE EMISSIONS

SEC. 217. Section 202(b) (1) of the Clean Air Act is amended by adding a new subparagraph (C) as follows:

Model year 1978
engines and
vehicles.
Ante, p. 751.

“(C) Effective with respect to vehicles and engines manufactured after model year 1978 (or in the case of heavy-duty vehicles or engines, such later model year as the Administrator determines is the earliest feasible model year), the test procedure promulgated under paragraph (2) for measurement of evaporative emissions of hydrocarbons shall require that such emissions be measured from the vehicle or engine as a whole. Regulations to carry out this subparagraph shall be promulgated not later than two hundred and seventy days after date of enactment of this subparagraph.”

Regulations.

CERTAIN MINOR AND TECHNICAL AND CONFORMING AMENDMENTS

SEC. 218. (a) Section 203(a) (2) of the Clean Air Act is amended by inserting the following before the semicolon: “or for any person to fail or refuse to permit entry, testing, or inspection authorized under section 206(c)”.

42 USC 7522.

(b) Section 204(a) of such Act is amended by striking out “paragraph (1), (2), (3), or (4) of”.

42 USC 7525.

42 USC 7523.

(c) Section 302(d) of such Act is amended by inserting before the period at the end thereof the following: “and includes the Commonwealth of the Northern Mariana Islands”.

42 USC 7602.

(d) Section 203(b) (3) of such Act is amended by striking out “subsection (a)” the second time it appears and inserting in lieu thereof “section 202” and by striking out “country of export” in each place it appears and inserting “country which is to receive such vehicle or engine”.

TAMPERING

SEC. 219. (a) Section 203(a) (3) of the Clean Air Act is amended by inserting “(A)” after “(3)” and by adding the following new subparagraph (B) at the end thereof:

Motor vehicle
related
businesses.

“(B) for any person engaged in the business of repairing, servicing, selling, leasing, or trading motor vehicles or motor vehicle engines, or who operates a fleet of motor vehicles, knowingly to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title following its sale and delivery to the ultimate purchaser, or”.

Ante, p. 757.

(b) Section 203(a) of such Act, as amended by section 211 of this Act, is amended by adding the following at the end thereof: "Nothing in paragraph (3) shall be construed to require the use of manufacturer parts in maintaining or repairing any motor vehicle or motor vehicle engine. For the purposes of the preceding sentence, the term 'manufacturer parts' means, with respect to a motor vehicle engine, parts produced or sold by the manufacturer of the motor vehicle or motor vehicle engine."

"Manufacturer parts."

(c) Section 205 of such Act is amended to read as follows:

"PENALTIES

42 USC 7524.
Ante, pp. 755,
761.
42 USC 7522.

"SEC. 205. Any person who violates paragraph (1), (2), or (4) of section 203(a) or any manufacturer, dealer, or other person who violates paragraph (3)(A) of section 203(a) shall be subject to a civil penalty of not more than \$10,000. Any person who violates paragraph (3)(B) of such section 203(a) shall be subject to a civil penalty of not more than \$2,500. Any such violation with respect to paragraph (1), (3), or (4) of section 203(a) shall constitute a separate offense with respect to each motor vehicle or motor vehicle engine."

TESTING BY SMALL MANUFACTURERS

Regulations.
42 USC 7525.

SEC. 220. Section 206(a)(1) of the Clean Air Act is amended by adding at the end thereof the following: "In the case of any manufacturer of vehicles or vehicle engines whose projected sales in the United States for any model year (as determined by the Administrator) will not exceed three hundred, the regulations prescribed by the Administrator concerning testing by the manufacturer for purposes of determining compliance with regulations under section 202 for the useful life of the vehicle or engine shall not require operation of any vehicle or engine manufactured during such model year for more than five thousand miles or one hundred and sixty hours, respectively, but the Administrator shall apply such adjustment factors as he deems appropriate to assure that each such vehicle or engine will comply during its useful life (as determined under section 202(d)) with the regulations prescribed under section 202 of this Act."

Ante, pp. 702,
751-753,
758-761; *Post*,
pp. 765, 767,
769, 791.

PARTS STANDARDS; PREEMPTION OF STATE LAW

42 USC 7543.

SEC. 221. Section 209 of the Clean Air Act (relating to State standards) is amended by redesignating subsection (c) as (d) and by inserting after subsection (b) the following new subsection:

Ante, p. 756.

"(c) Whenever a regulation with respect to any motor vehicle part or motor vehicle engine part is in effect under section 207(a)(2), no State or political subdivision thereof shall adopt or attempt to enforce any standard or any requirement of certification, inspection, or approval which relates to motor vehicle emissions and is applicable to the same aspect of such part. The preceding sentence shall not apply in the case of a State with respect to which a waiver is in effect under subsection (b)."

TESTING OF FUELS AND FUEL ADDITIVES

Regulations.
42 USC 7545.

SEC. 222. (a) Section 211 of the Clean Air Act is amended by adding the following new subsections at the end thereof:

"(e)(1) Not later than one year after the date of enactment of this subsection and after notice and opportunity for a public hearing, the

Administrator shall promulgate regulations which implement the authority under subsection (b) (2) (A) and (B) with respect to each fuel or fuel additive which is registered on the date of promulgation of such regulations and with respect to each fuel or fuel additive for which an application for registration is filed thereafter.

“(2) Regulations under subsection (b) to carry out this subsection shall require that the requisite information be provided to the Administrator by each such manufacturer—

Manufacturer reporting requirements.

“(A) prior to registration, in the case of any fuel or fuel additive which is not registered on the date of promulgation of such regulations; or

“(B) not later than three years after the date of promulgation of such regulations, in the case of any fuel or fuel additive which is registered on such date.

“(3) In promulgating such regulations, the Administrator may—

Exemptions and cost-sharing.

“(A) exempt any small business (as defined in such regulations) from or defer or modify the requirements of, such regulations with respect to any such small business;

“(B) provide for cost-sharing with respect to the testing of any fuel or fuel additive which is manufactured or processed by two or more persons or otherwise provide for shared responsibility to meet the requirements of this section without duplication; or

“(C) exempt any person from such regulations with respect to a particular fuel or fuel additive upon a finding that any additional testing of such fuel or fuel additive would be duplicative of adequate existing testing.

“(f) (1) Effective upon March 31, 1977, it shall be unlawful for any manufacturer of any fuel or fuel additive to first introduce into commerce, or to increase the concentration in use of, any fuel or fuel additive for general use in light duty motor vehicles manufactured after model year 1974 which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975, or subsequent model year, vehicle or engine under section 206.

New fuel and fuel additive content.

“(2) Effective November 30, 1977, it shall be unlawful for any manufacturer of any fuel to first introduce into commerce any gasoline which contains a concentration of manganese in excess of .0625 grams per gallon of fuel.

Ante, pp. 758-760, 762; *Post*, p. 768. Gasoline content.

“(3) Any manufacturer of any fuel or fuel additive which prior to March 31, 1977, and after January 1, 1974, first introduced into commerce or increased the concentration in use of a fuel or fuel additive that would otherwise have been prohibited under paragraph (1) if introduced on or after March 31, 1977 shall, not later than September 15, 1978, cease to distribute such fuel or fuel additive in commerce. During the period beginning 180 days after the date of the enactment of this subsection and before September 15, 1978, the Administrator shall prohibit, or restrict the concentration of any fuel additive which he determines will cause or contribute to the failure of an emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified under section 206.

Fuel additives, concentration restrictions.

“(4) The Administrator, upon application of any manufacturer of any fuel or fuel additive, may waive the prohibitions established under paragraph (1) or (3) of this subsection if he determines that the applicant has established that such fuel or fuel additive or a specified

Waiver of fuel and fuel additive prohibitions.

Ante, pp.
758-760, 762;
Post, p. 768.

Judicial review.

42 USC 7545.

concentration thereof, and the emission products of such fuel or additive or specified concentration thereof, will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to section 206. If the Administrator has not acted to grant or deny an application under this paragraph within one hundred and eighty days of receipt of such application, the waiver authorized by this paragraph shall be treated as granted.

“(5) No action of the Administrator under this section may be stayed by any court pending judicial review of such action.”.
(b) Section 211(d) of such Act is amended by inserting “or (f) after “(a)”.

SMALL REFINERIES

Definitions.

SEC. 223. Section 211 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

- “(g) (1) For the purposes of this subsection:
- “(A) The terms ‘gasoline’ and ‘refinery’ have the meaning provided under regulations of the Administrator promulgated under this section.
- “(B) The term ‘small refinery’ means a refinery or a portion of refinery producing gasoline—
- “(i) the gasoline producing capacity of which was in operation or under construction at any time during the one-year period immediately preceding October 1, 1976, and
- “(ii) which has a crude oil or bona fide feed stock capacity (as determined by the Administrator) of 50,000 barrels per day or less, and
- “(iii) which is owned or controlled by a refiner with a total combined crude oil or bona fide feed stock capacity (as determined by the Administrator) of 137,500 barrels per day or less.

Lead additives,
restrictions.

“(2) No regulations of the Administrator under this section (or any amendment or revision thereof) respecting the control or prohibition of lead additives in gasoline shall require a small refinery prior to October 1, 1982, to reduce the average lead content per gallon of gasoline refined at such refinery below the applicable amount specified in the table below:

“If the average gasoline production of the small refinery for the immediately preceding calendar year (or, in the case of refineries under construction, half the designed crude oil capacity) was (in barrels per day) :		The applicable amount is (in grams per gallon)
5,000 or under	-----	2.65.
5,001 to 10,000	-----	2.15.
10,001 to 15,000	-----	1.65.
15,001 to 20,000	-----	1.30.
20,001 to 25,000	-----	.80.
25,001 or over	-----	as prescribed by the Administrator, but not greater than 0.80.

Regulations.

The Administrator may promulgate such regulations as he deems appropriate with respect to the reduction of the average lead content of gasoline refined by small refineries on and after October 1, 1982, taking into account the experience under the preceding provisions of this paragraph.

“(3) Effective on the date of the enactment of this subsection, the regulations of the Administrator under this section respecting fuel additives (40 CFR part 80) shall be deemed amended to comply with the requirement contained in paragraph (2).

“(4) Nothing in this section shall be construed to preempt the right of any State to take action as permitted by section 211(c)(4) of this Act.”. 42 USC 7545.

EMISSION STANDARDS FOR HEAVY DUTY VEHICLES OR ENGINES AND CERTAIN OTHER VEHICLES OR ENGINES

SEC. 224. (a) Section 202(a) of the Clean Air Act is amended by adding the following new paragraph at the end thereof: 42 USC 7521.

“(3)(A)(i) The Administrator shall prescribe regulations under paragraph (1) of this subsection applicable to emissions of carbon monoxide, hydrocarbons, and oxides of nitrogen from classes or categories of heavy-duty vehicles or engines manufactured during and after model year 1979. Such regulations applicable to such pollutants from such classes or categories of vehicles or engines manufactured during model years 1979 through 1982 shall contain standards which reflect the greatest degree of emission reduction achievable through the application of technology which the Administrator determines will be available for the model year to which such standards apply, giving appropriate consideration to the cost of applying such technology within the period of time available to manufacturers and to noise, energy, and safety factors associated with the application of such technology.

Regulations.
Emission
standards for
heavy-duty
vehicles or
engines.

“(ii) Unless a different standard is temporarily promulgated as provided in subparagraph (B) or unless the standard is changed as provided in subparagraph (E), regulations under paragraph (1) of this subsection applicable to emissions from vehicles or engines manufactured during and after model year—

“(I) 1983, in the case of hydrocarbons and carbon monoxide, shall contain standards which require a reduction of at least 90 per cent, and

1983 standards
for hydrocarbons
and carbon
monoxide.
1985 standards
for oxides of
nitrogen.

“(II) 1985, in the case of oxides of nitrogen, shall contain standards which require a reduction of at least 75 per cent, from the average of the actually measured emissions from heavy-duty gasoline-fueled vehicles or engines, or any class or category thereof, manufactured during the baseline model year.

“(iii) The Administrator shall prescribe regulations under paragraph (1) of this subsection applicable to emissions of particulate matter from classes or categories of vehicles manufactured during and after model year 1981 (or during any earlier model year, if practicable). Such regulations shall contain standards which reflect the greatest degree of emission reduction achievable through the application of technology which the Administrator determines will be available for the model year to which such standards apply, giving appropriate consideration to the cost of applying such technology within the period of time available to manufacturers and to noise, energy, and safety factors associated with the application of such technology. Such standards shall be promulgated and shall take effect as expeditiously as practicable taking into account the period necessary for compliance.

1981 standards
for particulate
matter.

“(iv) In establishing classes or categories of vehicles or engines for purposes of regulations under this paragraph, the Administrator may base such classes or categories on gross vehicle weight, horsepower, or such other factors as may be appropriate.

Vehicle and
engine classes or
categories,
criteria.

"Baseline model year."

"(v) For the purpose of this paragraph, the term 'baseline model year' means, with respect to any pollutant emitted from any vehicle or engine, or class or category thereof, the model year immediately preceding the model year in which Federal standards applicable to such vehicle or engine, or class or category thereof, first applied with respect to such pollutant.

Standards,
triennial revision.

"(B) During the period of June 1 through December 31, 1979, and during each period of June 1 through December 31 of each third year after 1979, the Administrator may, after notice and opportunity for a public hearing promulgate regulations revising any standard prescribed as provided in subparagraph (A) (ii) for any class or category of heavy-duty vehicles or engines. Such standard shall apply only for the period of three model years beginning four model years after the model year in which such revised standard is promulgated. In revising any standard under this subparagraph for any such three model year period, the Administrator shall determine the maximum degree of emission reduction which can be achieved by means reasonably expected to be available for production of such period and shall prescribe a revised emission standard in accordance with such determination. Such revised standard shall require a reduction of emissions of from any standard which applies in the previous model year.

"(C) Action revising any standard for any period may be taken by the Administrator under subparagraph (B) only if he finds—

"(i) that compliance with the emission standards otherwise applicable for such model year cannot be achieved by technology, processes, operating methods, or other alternatives reasonably expected to be available for production for such model year without increasing cost or decreasing fuel economy to an excessive and unreasonable degree; and

"(ii) the National Academy of Sciences has not, pursuant to its study and investigation under subsection (c), issued a report substantially contrary to the findings of the Administrator under clause (i).

Report to
Congress.
Contents.

"(D) A report shall be made to the Congress with respect to any standard revised under subparagraph (B) which shall contain—

"(i) a summary of the health effects found, or believed to be associated with, the pollutant covered by such standard,

"(ii) an analysis of the cost-effectiveness of other strategies for attaining and maintaining national ambient air quality standards and carrying out regulations under part C of title I (relating to significant deterioration) in relation to the cost-effectiveness for such purposes of standards which, but for such revision, would apply.

Ante, p. 731.

"(iii) a summary of the research and development efforts and progress being made by each manufacturer for purposes of meeting the standards promulgated as provided in subparagraph (A) (ii) or, if applicable, subparagraph (E), and

"(iv) specific findings as to the relative costs of compliance, and relative fuel economy, which may be expected to result from the application for any model year of such revised standard and the application for such model year of the standard, which, but for such revision, would apply.

Pollutant-specific
study.

"(E) (i) The Administrator shall conduct a continuing pollutant-specific study concerning the effects of each air pollutant emitted from heavy-duty vehicles or engines and from other sources of mobile source related pollutants on the public health and welfare. The results of such study shall be published in the Federal Register and reported

Publication in
Federal Register
and report to
Congress.

to the Congress not later than June 1, 1979, and before June 1 of each third year thereafter.

“(ii) On the basis of such study and such other information as is available to him (including the studies under section 214), the Administrator may, after notice and opportunity for a public hearing, promulgate regulations under paragraph (1) of this subsection changing any standard prescribed in subparagraph (A) (ii) (or revised under subparagraph (B) or previously changed under this subparagraph). No such changed standard shall apply for any model year before the model year four years after the model year during which regulations containing such changed standard are promulgated.

Infra

“(F) For purposes of this paragraph, motorcycles and motorcycle engines shall be treated in the same manner as heavy-duty vehicles and engines (except as otherwise permitted under section 206(f)(1)) unless the Administrator promulgates a rule reclassifying motorcycles as light-duty vehicles within the meaning of this section or unless the Administrator promulgates regulations under subsection (a) applying standards applicable to the emission of air pollutants from motorcycles as a separate class or category. In any case in which such standards are promulgated for such emissions from motorcycles as a separate class or category, the Administrator, in promulgating such standards, shall consider the need to achieve equivalency of emission reductions between motorcycles and other motor vehicles to the maximum extent practicable.”

Motorcycle
classification.
Ante, p. 758.

(b) Section 202(b)(3) of such Act is amended by adding the following new subparagraph at the end thereof:

“Heavy duty
vehicle.”
42 USC 7521.

“(C) The term ‘heavy duty vehicle’ means a truck, bus, or other vehicle manufactured primarily for use on the public streets, roads, and highways (not including any vehicle operated exclusively on a rail or rails) which has a gross vehicle weight (as determined under regulations promulgated by the Administrator) in excess of six thousand pounds. Such term includes any such vehicle which has special features enabling off-street or off-highway operation and use.”

(c) Section 312 of such Act is amended by inserting “AND STUDIES OF COST-EFFECTIVENESS ANALYSES” at the end of the heading thereof and by adding the following new subsection at the end thereof:

Use of cost-
effectiveness,
study.
42 USC 7612.

“(c) Not later than January 1, 1979, the Administrator shall study the possibility of increased use of cost-effectiveness analyses in devising strategies for the control of air pollution and shall report its recommendations to the Congress, including any recommendations for revisions in any provision of this Act. Such study shall also include an analysis and report to Congress concerning whether or not existing air pollution control strategies are adequate to achieve the purposes of this Act.”

Report to
Congress.
Contents.

(d) Part A of title II of such Act is amended by redesignating section 214 as section 216 and by inserting after section 213 the following new section:

42 USC 7550.

“STUDY OF PARTICULATE EMISSIONS FROM MOTOR VEHICLES

“SEC. 214. (a) (1) The Administrator shall conduct a study concerning the effects on health and welfare of particulate emissions from motor vehicles or motor vehicle engines to which section 202 applies. Such study shall characterize and quantify such emissions and analyze the relationship of such emissions to various fuels and fuel additives.

42 USC 7548.

Ante, pp. 702,
751-753,
758-761, 765;
Supra; *Post*, pp.
769, 791.

"(2) The study shall also include an analysis of particulate emissions from mobile sources which are not related to engine emissions (including, but not limited to tire debris, and asbestos from brake lining).

Report to
Congress.

"(b) The Administrator shall report to the Congress the findings and results of the study conducted under subsection (a) not later than two years after the date of the enactment of the Clean Air Act Amendments of 1977. Such report shall also include recommendations for standards or methods to regulate particulate emissions described in paragraph (2) of subsection (a)."

Certificate of
conformity.
Ante, p. 758.

(e) Section 206 of such Act (relating to compliance testing and certification) is amended by adding the following new subsection at the end thereof:

Ante, pp. 759,
760, 765; *Post*, p.
791.

"(g) (1) In the case of any class or category of heavy-duty vehicles or engines to which a standard promulgated under section 202(a) of this Act applies, except as provided in paragraph (2), a certificate of conformity shall be issued under subsection (a) and shall not be suspended or revoked under subsection (b) for such vehicles or engines manufactured by a manufacturer notwithstanding the failure of such vehicles or engines to meet such standard if such manufacturer pays a nonconformance penalty as provided under regulations promulgated by the Administrator after notice and opportunity for public hearing. In the case of motorcycles to which such a standard applies, such a certificate may be issued notwithstanding such failure if the manufacturer pays such a penalty.

Motorcycles.

"(2) No certificate of conformity may be issued under paragraph (1) with respect to any class or category of vehicle or engine if the degree by which the manufacturer fails to meet any standard promulgated under section 202(a) with respect to such class or category exceeds the percentage determined under regulations promulgated by the Administrator to be practicable. Such regulations shall require such testing of vehicles or engines being produced as may be necessary to determine the percentage of the classes or categories of vehicles or engines which are not in compliance with the regulations with respect to which a certificate of conformity was issued and shall be promulgated not later than one year after the date of enactment of the Clean Air Act Amendments of 1977.

Vehicles or
engines, testing.

"(3) The regulations promulgated under paragraph (1) shall, not later than one year after the date of enactment of the Clean Air Act Amendments of 1977, provide for nonconformance penalties in amounts determined under a formula established by the Administrator. Such penalties under such formula—

Penalties.

"(A) may vary from pollutant-to-pollutant;

"(B) may vary by class or category or vehicle or engine;

"(C) shall take into account the extent to which actual emissions of any air pollutant exceed allowable emissions under the standards promulgated under section 202;

Ante, pp. 702,
751-753,
758-761, 765,
767; *Post*, pp.
769, 791.

"(D) be increased periodically in order to create incentives for the development of production vehicles or engines which achieve the required degree of emission reduction; and

"(E) shall remove any competitive disadvantage to manufacturers whose engines or vehicles achieve the required degree of emission reduction (including any such disadvantage arising from the application of paragraph (4)).

Ante, p. 756.

"(4) In any case in which a certificate of conformity has been issued under this subsection, any warranty required under section 207(b) (2)

and any action under section 207(c) shall be required to be effective only for the emission levels which the Administrator determines that such certificate was issued and not for the emission levels required under the applicable standard.

Ante, p. 755.

“(5) The authorities of section 208(a) shall apply, subject to the conditions of section 208(b), for purposes of this subsection.”.

42 USC 7542.

(g) Section 202(d) of such Act is amended by striking out “and” at the end of paragraph (1) thereof; by inserting “(other than motorcycles or motorcycle engines)” after “engines” in paragraph (2) thereof; by striking out the period at the end of paragraph (2) and inserting in lieu thereof “; and”; and by adding a new paragraph (3) to read as follows:

42 USC 7521.

“(3) in the case of any motorcycle or motorcycle engine, be a period of use the Administrator shall determine.”.

AIRCRAFT EMISSIONS STANDARDS

SEC. 225. Section 231(c) of the Clean Air Act is amended to read as follows:

42 USC 7571.

“(c) Any regulations in effect under this section on date of enactment of the Clean Air Act Amendments of 1977 or proposed or promulgated thereafter, or amendments thereto, with respect to aircraft shall not apply if disapproved by the President, after notice and opportunity for public hearing, on the basis of a finding by the Secretary of Transportation that any such regulation would create a hazard to aircraft safety. Any such finding shall include a reasonably specific statement of the basis upon which the finding was made.”.

Notice and hearing.

CARBON MONOXIDE INTRUSION INTO SUSTAINED USE VEHICLES

SEC. 226. (a) The Administrator, in conjunction with the Secretary of Transportation, shall study the problem of carbon monoxide intrusion into the passenger area of sustained-use motor vehicles. Such study shall include an analysis of the sources and levels of carbon monoxide in the passenger area of such vehicles and a determination of the effects of carbon monoxide upon the passengers. The study shall also review available methods of monitoring and testing for the presence of carbon monoxide and shall analyze the cost and effectiveness of alternative methods of monitoring and testing. The study shall analyze the cost and effectiveness of alternative strategies for attaining and maintaining acceptable levels of carbon monoxide in the passenger area of such vehicles. Within one year the Administrator shall report to the Congress respecting the results of such study.

Study.
42 USC 7521
note.

(b) For the purpose of this section, the term “sustained-use motor vehicle” means any diesel or gasoline fueled motor vehicle (whether light or heavy duty) which, as determined by the Administrator (in conjunction with the Secretary), is normally used and occupied for a sustained, continuous, or extensive period of time, including buses, taxicabs, and police vehicles.

Report to Congress.
“Sustained-use motor vehicle.”

TITLE III—AMENDMENTS RELATING PRIMARILY TO TITLE III OF THE CLEAN AIR ACT

DEFINITIONS

SEC. 301. (a) Section 302 of the Clean Air Act is amended by adding the following new subsections at the end thereof:

42 USC 7602.

“(i) The term ‘Federal land manager’ means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

“(j) Except as otherwise expressly provided, the terms ‘major stationary source’ and ‘major emitting facility’ mean any stationary facility or source of air pollutants which directly emits, or has the potential to emit, one hundred tons per year or more of any air pollutant (including any major emitting facility or source of fugitive emissions of any such pollutant, as determined by rule by the Administrator).

“(k) The terms ‘emission limitation’ and ‘emission standard’ mean a requirement established by the State or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction.

“(l) The term ‘standard of performance’ means a requirement of continuous emission reduction, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction.

“(m) The term ‘means of emission limitation’ means a system of continuous emission reduction (including the use of specific technology or fuels with specified pollution characteristics).

“(n) The term ‘primary standard attainment date’ means the date specified in the applicable implementation plan for the attainment of a national primary ambient air quality standard for any air pollutant.

“(o) The term ‘delayed compliance order’ means an order issued by the State or by the Administrator to an existing stationary source, postponing the date required under an applicable implementation plan for compliance by such source with any requirement of such plan.

“(p) The term ‘schedule and timetable of compliance’ means a schedule of required measures including an enforceable sequence of actions or operations leading to compliance with an emission limitation, other limitation, prohibition, or standard.”.

42 USC 7602.

(b) Section 302(e) of such Act is amended to read as follows:

“(e) The term ‘person’ includes an individual corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.”.

(c) Section 302(g) of such Act is amended to read as follows:

“(g) The term ‘air pollutant’ means any air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air.”.

EMERGENCY POWERS

42 USC 7603.

SEC. 302. (a) Section 303 of the Clean Air Act is amended by inserting “(a)” after “303” and by adding the following at the end thereof: “If it is not practicable to assure prompt protection of the health of persons solely by commencement of such a civil action, the Administrator may issue such orders as may be necessary to protect the health of persons who are, or may be, affected by such pollution source (or sources). Prior to taking any action under this section, the Administrator shall consult with the State and local authorities in

Consultation.

order to confirm the correctness of the information on which the action proposed to be taken is based and to ascertain the action which such authorities are, or will be, taking. Such order shall be effective for a period of not more than twenty-four hours unless the Administrator brings an action under the first sentence of this subsection before the expiration of such period. Whenever the Administrator brings such an action within such period, such order shall be effective for a period of forty-eight hours or such longer period as may be authorized by the court pending litigation or thereafter.

“(b) Any person who willfully violates, or fails or refuses to comply with, any order issued by the Administrator under subsection (a) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than \$5,000 for each day during which such violation occurs or failure to comply continues.”

Noncompliance,
penalty.

(b) Section 313 of the Clean Air Act is amended by striking out “and” at the end of clause (9) and adding before the period after clause (10): “; and (11) (A) the status of plan provisions developed by States as required under section 110(a) (2) (F) (v), and an accounting of States failing to develop suitable plans; (B) the number of annual incidents of air pollution reaching or exceeding levels determined to present an imminent and substantial endangerment to health (within the meaning of section 303) by location, date, pollution source, and the duration of the emergency; (C) measures taken pursuant to section 110(a) (2) (F) (v), and an evaluation of their effectiveness in reducing pollution; and (D) an accounting of those instances in which an air pollution alert, warning, or emergency is declared as required under regulations of the Administrator and in which no action is taken by either the Administrator, State, or local officials, together with an explanation for the failure to take action”.

42 USC 7613.

42 USC 7410.

Ante, p. 770.

CITIZEN SUITS

Sec. 303. (a) Section 304(a) of the Clean Air Act is amended—

42 USC 7604.

(1) by striking out “or” at the end of paragraph (1) and striking out the period at the end of paragraph (2) and inserting in lieu thereof “, or”; and

(2) by inserting immediately after paragraph (2) the following new paragraph:

“(3) against any person who proposes to construct or constructs any new major emitting facility without a permit required under part C of title I (relating to significant deterioration of air quality) or part D of title I (relating to nonattainment) or who is alleged to be in violation of any condition of such permit.”

Ante, p. 731.

Ante, p. 746.

(b) Section 304(f) of such Act is amended by striking out “or” at the end of paragraph (1), striking out the period at the end of paragraph (2) and substituting “, or”, and by adding the following new paragraph at the end thereof:

“(3) any condition or requirement of a permit under part C of title I (relating to significant deterioration of air quality) or part D of title I (relating to nonattainment), any condition or requirement of section 113(d) (relating to certain enforcement orders), section 119 (relating to primary nonferrous smelter orders), requirements under an applicable implementation plan relating to transportation control measures, air quality maintenance plans, vehicle inspection and maintenance programs or vapor recovery requirements, section 211 (e) and (f) (relating to fuels and fuel

Ante, p. 705.

Ante, pp. 709,
712.

Ante, p. 762.

Ante, p. 742.

Ante, p. 726.

Ante, pp. 697,
699-701, 703;

Post, p. 791.

Ante, p. 701,
703; *Post*, p. 796.

42 USC 7604.

additives), or section 169A (relating to visibility protection), any condition or requirement under part B of title I (relating to ozone protection) any requirement under section 111 or 112 (without regard to whether such requirement is expressed as an emission standard or otherwise)."

(c) Section 304(e) of such Act is amended by inserting at the end thereof the following: "Nothing in this section or in any other law of the United States shall be construed to prohibit, exclude, or restrict any State, local, or interstate authority from—

"(1) bringing any enforcement action or obtaining any judicial remedy or sanction in any State or local court, or

"(2) bringing any administrative enforcement action or obtaining any administrative remedy or sanction in any State or local administrative agency, department or instrumentality, against the United States, any department, agency, or instrumentality thereof, or any officer, agent, or employee thereof under State or local law respecting control and abatement of air pollution. For provisions requiring compliance by the United States, departments, agencies, instrumentalities, officers, agents, and employees in the same manner as nongovernmental entities, see section 118."

Ante, p. 711.

Infra.

(d) Section 307 of such Act, as amended by section 305 of this Act, is amended by adding the following at the end thereof:

"(e) Nothing in this Act shall be construed to authorize judicial review of regulations or orders of the Administrator under this Act, except as provided in this section."

CIVIL LITIGATION

42 USC 7605.

SEC. 304. (a) Section 305 of the Clean Air Act is amended to read as follows:

"REPRESENTATION IN LITIGATION

"SEC. 305. (a) The Administrator shall request the Attorney General to appear and represent him in any civil action instituted under this Act to which the Administrator is a party. Unless the Attorney General notifies the Administrator that he will appear in such action, within a reasonable time, attorneys appointed by the Administrator shall appear and represent him.

"(b) In the event the Attorney General agrees to appear and represent the Administrator in any such action, such representation shall be conducted in accordance with, and shall include participation by, attorneys appointed by the Administrator to the extent authorized by, the memorandum of understanding between the Department of Justice and the Environmental Protection Agency, dated June 13, 1977, respecting representation of the agency by the department in civil litigation."

ADMINISTRATIVE PROCEDURES AND JUDICIAL REVIEW

42 USC 7607.

SEC. 305. (a) Section 307 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(d) (1) This subsection applies to—

Ante, p. 691.

"(A) the promulgation or revision of any national ambient air quality standard under section 109,

Ante, p. 694.

"(B) the promulgation or revision of an implementation plan by the Administrator under section 110(c),

“(C) the promulgation or revision of any standard of performance under section 111 or emission standard under section 112,

“(D) the promulgation or revision of any regulation pertaining to any fuel or fuel additive under section 211,

“(E) the promulgation or revision of any aircraft emission standard under section 231,

“(F) promulgation or revision of regulations pertaining to orders for coal conversion under section 113(d)(5) (but not including orders granting or denying any such orders),

“(G) promulgation or revision of regulations pertaining to primary nonferrous smelter orders under section 119 (but not including the granting or denying of any such order),

“(H) promulgation or revision of regulations under subtitle B of title I (relating to stratosphere and ozone protection),

“(I) promulgation or revision of regulations under subtitle C of title I (relating to prevention of significant deterioration of air quality and protection of visibility),

“(J) promulgation or revision of regulations under section 202 and test procedures for new motor vehicles or engines under section 206, and the revision of a standard under section 202 (a)(3),

“(K) promulgation or revision of regulations for noncompliance penalties under section 120,

“(L) promulgation or revision of any regulations promulgated under section 207 (relating to warranties and compliance by vehicles in actual use),

“(M) action of the Administrator under section 126 (relating to interstate pollution abatement), and

“(N) such other actions as the Administrator may determine. The provisions of section 553 through 557 and section 706 of title 5 of the United States Code shall not, except as expressly provided in this subsection, apply to actions to which this subsection applies. This subsection shall not apply in the case of any rule or circumstance referred to in subparagraphs (A) or (B) of subsection 553(b) of title 5 of the United States Code.

“(2) Not later than the date of proposal of any action to which this subsection applies, the Administrator shall establish a rulemaking docket for such action (hereinafter in this subsection referred to as a ‘rule’). Whenever a rule applies only within a particular State, a second (identical) docket shall be simultaneously established in the appropriate regional office of the Environmental Protection Agency.

“(3) In the case of any rule to which this subsection applies, notice of proposed rulemaking shall be published in the Federal Register, as provided under section 553(b) of title 5, United States Code, shall be accompanied by a statement of its basis and purpose and shall specify the period available for public comment (hereinafter referred to as the ‘comment period’). The notice of proposed rulemaking shall also state the docket number, the location or locations of the docket, and the times it will be open to public inspection. The statement of basis and purpose shall include a summary of—

“(A) the factual data on which the proposed rule is based;

“(B) the methodology used in obtaining the data and in analyzing the data; and

“(C) the major legal interpretations and policy considerations underlying the proposed rule.

The statement shall also set forth or summarize and provide a refer-

Ante, pp. 697, 699-701, 703; *Post*, p. 791.

Ante, pp. 701, 703; *Post*, p. 796.

Ante, pp. 762, 764; *Post*, p. 791.

Ante, p. 769; *Post*, p. 791.

Ante, p. 705. *Ante*, pp. 709, 712.

Ante, p. 726.

Ante, p. 731.

Ante, p. 702.

Ante, p. 762. *Ante*, p. 765.

Ante, p. 714.

Ante, pp. 754-758.

Ante, p. 724.

Rulemaking docket, establishment.

Publication in Federal Register.

Purpose statement, contents.

<i>Ante</i> , p. 691.	ence to any pertinent findings, recommendations, and comments by the Scientific Review Committee established under section 109(d) and the National Academy of Sciences, and, if the proposal differs in any important respect from any of these recommendations, an explanation of the reasons for such differences. All data, information, and documents referred to in this paragraph on which the proposed rule relies shall be included in the docket on the date of publication of the proposed rule.
Docket inspection.	<p>“(4) (A) The rulemaking docket required under paragraph (2) shall be open for inspection by the public at reasonable times specified in the notice of proposed rulemaking. Any person may copy documents contained in the docket. The Administrator shall provide copying facilities which may be used at the expense of the person seeking copies, but the Administrator may waive or reduce such expenses in such instances as the public interest requires. Any person may request copies by mail if the person pays the expenses, including personnel costs to do the copying.</p> <p>“(B) (i) Promptly upon receipt by the agency, all written comments and documentary information on the proposed rule received from any person for inclusion in the docket during the comment period shall be placed in the docket. The transcript of public hearings, if any, on the proposed rule shall also be included in the docket promptly upon receipt from the person who transcribed such hearings. All documents which become available after the proposed rule has been published and which the Administrator determines are of central relevance to the rulemaking shall be placed in the docket as soon as possible after their availability.</p> <p>“(ii) The drafts of proposed rules submitted by the Administrator to the Office of Management and Budget for any interagency review process prior to proposal of any such rule, all documents accompanying such drafts, and all written comments thereon by other agencies and all written responses to such written comments by the Administrator shall be placed in the docket no later than the date of proposal of the rule. The drafts of the final rule submitted for such review process prior to promulgation and all such written comments thereon, all documents accompanying such drafts, and written responses thereto shall be placed in the docket no later than the date of promulgation.</p>
Hearing, transcript.	
Oral or written submissions.	<p>“(5) In promulgating a rule to which this subsection applies (i) the Administrator shall allow any person to submit written comments, data, or documentary information; (ii) the Administrator shall give interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to an opportunity to make written submissions; (iii) a transcript shall be kept of any oral presentation; and (iv) the Administrator shall keep the record of such proceeding open for thirty days after completion of the proceeding to provide an opportunity for submission of rebuttal and supplementary information.</p>
Transcript.	
Purpose statement.	<p>“(6) (A) The promulgated rule shall be accompanied by (i) a statement of basis and purpose like that referred to in paragraph (3) with respect to a proposed rule and (ii) an explanation of the reasons for any major changes in the promulgated rule from the proposed rule.</p> <p>“(B) The promulgated rule shall also be accompanied by a response to each of the significant comments, criticisms, and new data submitted in written or oral presentations during the comment period.</p>

“(C) The promulgated rule may not be based (in part or whole) on any information or data which has not been placed in the docket as of the date of such promulgation.

“(7)(A) The record for judicial review shall consist exclusively of the material referred to in paragraph (3), clause (i) of paragraph (4)(B), and subparagraphs (A) and (B) of paragraph (6).

Record.

“(B) Only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. If the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within such time or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule, the Administrator shall convene a proceeding for reconsideration of the rule and provide the same procedural rights as would have been afforded had the information been available at the time the rule was proposed. If the Administrator refuses to convene such a proceeding, such person may seek review of such refusal in the United States court of appeals for the appropriate circuit (as provided in subsection (b)). Such reconsideration shall not postpone the effectiveness of the rule. The effectiveness of the rule may be stayed during such reconsideration, however, by the Administrator or the court for a period not to exceed three months.

Reconsideration proceeding.

Review.

Stay.

“(8) The sole forum for challenging procedural determinations made by the Administrator under this subsection shall be in the United States court of appeals for the appropriate circuit (as provided in subsection (b)) at the time of the substantive review of the rule. No interlocutory appeals shall be permitted with respect to such procedural determinations. In reviewing alleged procedural errors, the court may invalidate the rule only if the errors were so serious and related to matters of such central relevance to the rule that there is a substantial likelihood that the rule would have been significantly changed if such errors had not been made.

Interlocutory appeals, prohibition.

“(9) In the case of review of any action of the Administrator to which this subsection applies, the court may reverse any such action found to be—

“(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

“(B) contrary to constitutional right, power, privilege, or immunity;

“(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; or

“(D) without observance of procedure required by law, if (i) such failure to observe such procedure is arbitrary or capricious, (ii) the requirement of paragraph (7)(B) has been met, and (iii) the condition of the last sentence of paragraph (8) is met.

“(10) Each statutory deadline for promulgation of rules to which this subsection applies which requires promulgation less than six months after date of proposal may be extended to not more than six months after date of proposal by the Administrator upon a determination that such extension is necessary to afford the public, and the agency, adequate opportunity to carry out the purposes of this subsection.

Extension.

“(11) The requirements of this subsection shall take effect with

respect to any rule the proposal of which occurs after ninety days after the date of enactment of the Clean Air Act Amendments of 1977.”.

Notice and
hearing.
42 USC 7405.

(b) Section 105 of such Act is amended by adding the following new subsection at the end thereof:

“(e) No application by a State for a grant under this section may be disapproved by the Administrator without prior notice and opportunity for a public hearing in the affected State, and no commitment or obligation of any funds under any such grant may be revoked or reduced without prior notice and opportunity for a public hearing in the affected State (or in one of the affected States if more than one State is affected).”.

42 USC 7607.

(c)(1) The first sentence of section 307(b)(1) of such Act is amended by striking out “or” after “211,” and by inserting after “231” the following: “any rule or order issued under section 120 (relating to noncompliance penalties, any other nationally applicable regulations promulgated, or final action taken, by the Administrator under this Act”.

Ante, p. 714

(2) The second sentence of section 307(b)(1) of such Act is amended by inserting after “thereunder,” the following: “or any other final action of the Administrator under this Act which is locally or regionally applicable”.

Petition, filing.

(3) The last sentence of section 307(b)(1) of such Act is amended to read as follows: “Any petition for review under this subsection shall be filed within sixty days from the date notice of such promulgation, approval, or action appears in the Federal Register, except that if such petition is based solely on grounds arising after such sixtieth day, then any petition for review under this subsection shall be filed within sixty days after such grounds arise.”

(4) Section 307(b)(1) of such Act is further amended by inserting the following after the second sentence thereof: “Notwithstanding the preceding sentence a petition for review of any action referred to in such sentence may be filed only in the United States Court of Appeals for the District of Columbia if such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.”.

42 USC 7414.

(d)(1) Clause (iii) of section 114(a) of such Act relating to inspection, monitoring, and entry, is amended by striking out “section 119 or 303” and inserting in lieu thereof the following: “any provision of this Act (except with respect to a manufacturer of motor vehicles or motor vehicle engines)”.

(2) Section 114(a)(1) of such Act is amended by striking out “the owner or operator of any emission source” and inserting in lieu thereof “any person subject to any requirement of this Act (other than a manufacturer subject to the provisions of section 206(c) or 208)”.

(3) Section 114(a)(2)(A) of such Act is amended by striking out “in which an emission source is located” and by inserting in lieu thereof “of such person”.

(4) Section 114(a)(2)(B) of such Act is amended by striking out “the owner or operator of such source” and by inserting in lieu thereof “such person”.

Regulations.
42 USC 7601.

(e) Section 301 of such Act is amended by inserting “(1)” after “(a)” and by inserting a new paragraph (2) to read:

“(2) Not later than one year after the date of enactment of this paragraph, the Administrator shall promulgate regulations establishing general applicable procedures and policies for regional officers

and employees (including the Regional Administrator) to follow in carrying out a delegation under paragraph (1), if any. Such regulations shall be designed—

“(A) to assure fairness and uniformity in the criteria, procedures, and policies applied by the various regions in implementing and enforcing the Act;

“(B) to assure at least an adequate quality audit of each State’s performance and adherence to the requirements of this Act in implementing and enforcing the Act, particularly in the review of new sources and in enforcement of the Act; and

“(C) to provide a mechanism for identifying and standardizing inconsistent or varying criteria, procedures, and policies being employed by such officers and employees in implementing and enforcing the Act.”

(f) Section 307 of such Act, as amended by section 303(d) of this Act, is amended by adding the following new subsection at the end thereof: Court costs.
Ante, p. 772.

“(f) In any judicial proceeding under this section, the court may award costs of litigation (including reasonable attorney and expert witness fees) whenever it determines that such award is appropriate.”.

(g) Section 307 of such Act is amended by adding the following new subsection at the end thereof: Relief.

“(g) In any action respecting the promulgation of regulations under section 120 or the administration or enforcement of section 120 no court shall grant any stay, injunctive, or similar relief before final judgment by such court in such action.”. *Ante*, p. 714.

(h) Section 307(b) of such Act is amended by inserting “any order under section 120,” after “111(d)”. *Ante*, p. 776.

SEWAGE TREATMENT GRANTS

SEC. 306. Title III of the Clean Air Act is amended by striking out section 316 and adding the following new section at the end thereof:

“SEWAGE TREATMENT GRANTS

“SEC. 316. (a) No grant which the Administrator is authorized to make to any applicant for construction of sewage treatment works in any area in any State may be withheld, conditioned, or restricted by the Administrator on the basis of any requirement of this Act except as provided in subsection (b). Construction.
42 USC 7616.

“(b) The Administrator may withhold, condition, or restrict the making of any grant for construction referred to in subsection (a) only if he determines that— Restriction.

“(1) such treatment works will not comply with applicable standards under section 111 or 112,

“(2) the State does not have in effect, or is not carrying out, a State implementation plan approved by the Administrator which expressly quantifies and provides for the increase in emissions of each air pollutant (from stationary and mobile sources in any area to which either part C or part D of title I applies for such pollutant) which increase may reasonably be anticipated to result directly or indirectly from the new sewage treatment capacity which would be created by such construction. *Ante*, pp. 697,
699–701, 703;
Post, p. 791.
Ante, pp. 701,
703; *Post*, p. 796.
Emissions,
increase.
Ante, pp. 731,
746.

“(3) the construction of such treatment works would create new sewage treatment capacity which—

“(A) may reasonably be anticipated to cause or contribute to, directly or indirectly, an increase in emissions of any air pollutant in excess of the increase provided for under the provisions referred to in paragraph (2) for any such area, or
 “(B) would otherwise not be in conformity with the applicable implementation plan, or

“(4) such increase in emissions would interfere with, or be inconsistent with, the applicable implementation plan for any other State.

Ante, p. 746.

In the case of construction of a treatment works which would result, directly or indirectly, in an increase in emissions of any air pollutant from stationary and mobile sources in an area to which part D of title I applies, the quantification of emissions referred to in paragraph (2) shall include the emissions of any such pollutant resulting directly or indirectly from areawide and nonmajor stationary source growth (mobile and stationary) for each such area.

42 USC 4321
note.

“(c) Nothing in this section shall be construed to amend or alter any provision of the National Environmental Policy Act or to affect any determination as to whether or not the requirements of such Act have been met in the case of the construction of any sewage treatment works.”

ECONOMIC IMPACT ASSESSMENT

Standards or
regulations.

SEC. 307. Title III of the Clean Air Act is amended by adding the following new section at the end thereof:

“ECONOMIC IMPACT ASSESSMENT

42 USC 7617.

“SEC. 317. (a) This section applies to action of the Administrator in promulgating or revising—

Ante, p. 700;
Post, p. 791.
Ante, p. 699.
Ante, p. 726.
Ante, pp. 702,
 751-753,
 758-761, 765,
 767, 769; *Post*, p.
 791.
Post, p. 791.
Ante, p. 769;
Post, p. 791.
 Publication in
 Federal Register.

“(1) any new source standard of performance under section 111(b),

“(2) any regulation under section 111(d),

“(3) any regulation under part B of title I (relating to ozone and stratosphere protection),

“(4) any regulation under part C of title I (relating to prevention of significant deterioration of air quality),

“(5) any regulation establishing emission standards under section 202 and any other regulation promulgated under that section,

“(6) any regulation controlling or prohibiting any fuel or fuel additive under section 211(c), and

“(7) any aircraft emission standard under section 231.

Nothing in this section shall apply to any standard or regulation described in paragraphs (1) through (7) of this subsection unless the notice of proposed rulemaking in connection with such standard or regulation is published in the Federal Register after the date ninety days after the date of enactment of this section. In the case of revisions of such standards or regulations, this section shall apply only to revisions which the Administrator determines to be substantial revisions.

“(b) Before publication of notice of proposed rulemaking with respect to any standard or regulation to which this section applies, the Administrator shall prepare an economic impact assessment respecting such standard or regulation. Such assessment shall be included in the docket required under section 307(d)(2) and shall be available to the public as provided in section 307(d)(4). Notice of proposed rulemaking shall include notice of such availability together

Ante, p. 772.

with an explanation of the extent and manner in which the Administrator has considered the analysis contained in such economic impact assessment in proposing the action. The Administrator shall also provide such an explanation in his notice of promulgation of any regulation or standard referred to in subsection (a). Each such explanation shall be part of the statements of basis and purpose required under sections 307(d)(3) and 307(d)(6).

“(c) Subject to subsection (d), the assessment required under this section with respect to any standard or regulation shall contain an analysis of—

“(1) the costs of compliance with any such standard or regulation, including extent to which the costs of compliance will vary depending on (A) the effective date of the standard or regulation, and (B) the development of less expensive, more efficient means or methods of compliance with the standard or regulation;

“(2) the potential inflationary or recessionary effects of the standard or regulation;

“(3) the effects on competition of the standard or regulation with respect to small business;

“(4) the effects of the standard or regulation on consumer costs; and

“(5) the effects of the standard or regulation on energy use. Nothing in this section shall be construed to provide that the analysis of the factors specified in this subsection affects or alters the factors which the Administrator is required to consider in taking any action referred to in subsection (a).

“(d) The assessment required under this section shall be as extensive as practicable, in the judgment of the Administrator taking into account the time and resources available to the Environmental Protection Agency and other duties and authorities which the Administrator is required to carry out under this Act.

“(e) Nothing in this section shall be construed—

“(1) to alter the basis on which a standard or regulation is promulgated under this Act;

“(2) to preclude the Administrator from carrying out his responsibility under this Act to protect public health and welfare; or

“(3) to authorize or require any judicial review of any such standard or regulation, or any stay or injunction of the proposal, promulgation, or effectiveness of such standard or regulation on the basis of failure to comply with this section.

“(f) The requirements imposed on the Administrator under this section shall be treated as nondiscretionary duties for purposes of section 304(a)(2), relating to citizen suits. The sole method for enforcement of the Administrator's duty under this section shall be by bringing a citizen suit under such section 304(a)(2) for a court order to compel the Administrator to perform such duty. Violation of any such order shall subject the Administrator to penalties for contempt of court.

“(g) In the case of any provision of this Act in which costs are expressly required to be taken into account, the adequacy or inadequacy of any assessment required under this section may be taken into consideration, but shall not be treated for purposes of judicial review of any such provision as conclusive with respect to compliance or noncompliance with the requirement of such provision to take cost into account.”.

Ante, p. 772.
Analysis.

42 USC 7604.
Court order.

Violation,
penalties.

FINANCIAL DISCLOSURE; CONFLICTS OF INTEREST

SEC. 308. Title III of the Clean Air Act is amended by adding the following new section at the end thereof:

“FINANCIAL DISCLOSURE; CONFLICTS OF INTEREST

Statement, filing.
42 USC 7618.

“SEC. 318. (a) Each person who—

“(1) has any known financial interest in (A) any person subject to this Act, or (B) any person who applies for or receives any grant, contract, or other form of financial assistance pursuant to this Act, and

Ante, p. 691.

“(2) is (A) an officer or employee of the Environmental Protection Agency who performs any function of duty under this Act, (B) a member of the National Commission on Air Quality appointed as a member of the public, or (C) a member of the scientific review committee under section 109(d)

Availability to
public.

shall, beginning six months after the date of enactment of this section, annually file with the Administrator a written statement concerning all such interests held by such officer, employee, or member during the preceding calendar year. Such statement shall be available to the public.

“(b) The Administrator shall—

Known financial
interest,
definition
requirement.
Review.

“(1) act within ninety days after the date of enactment of the Clean Air Act Amendments of 1977—

“(A) to define the term ‘known financial interest’ for purposes of subsection (a) of this section;

“(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provisions for the filing by such officers, employees and members of such statements and the review by the Administrator (or the Commission in the case of members of the Commission) of such statements; and

Annual report to
Congress.

“(2) report to the Congress on June 1 of each calendar year with respect to such statements to the Administrator and the actions taken in regard thereto during the preceding calendar year.

“(c) After the date one year after the date of the enactment of this section, no person who—

“(1) is employed by, serves as attorney for, acts as a consultant for, or holds any other official or contractual relationship to—

Ante, pp. 697,
699, 701, 703;
Post, p. 791.
Ante, pp. 701,
703; *Post*, p. 796.

“(A) the owner or operator of any major stationary source or any stationary source which is subject to a standard of performance or emission standard under section 111 or 112,

“(B) any manufacturer of any class or category of mobile sources if such mobile sources are subject to regulation under this Act,

“(C) any trade or business association of which such owner or operator referred to in subparagraph (A) or such manufacturer referred to in subparagraph (B) is a member or

“(D) any organization (whether or not nonprofit) which is a party to litigation, or engaged in political, educational, or informational activities, relating to air quality, or

“(2) owns, or has any financial interest in, any stock, bonds, or other financial interest which ownership or interest may be inconsistent with a position as an officer or employee of the Environ-

mental Protection Agency, as determined under regulations of the Administrator, may concurrently serve as such an officer or employee of the Environmental Protection Agency.

“(d) The Administrator shall promulgate rules for purposes of subsections (b) and (c) which—

“(1) identify specific offices or positions within such agency which are of a nonregulatory or nonpolicymaking nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section, and

“(2) identify the ownership or financial interests which may be inconsistent with particular regulatory or policymaking offices or positions within the Environmental Protection Agency.

“(e) Any officer or employee of the Environmental Protection Agency or member of the National Commission on Air Quality or of the scientific review committee under section 109(d) who is subject to, and knowingly violates, this section or any regulation issued thereunder, shall be fined not more than \$2,500 or imprisoned not more than one year, or both.

“(f) Nothing in this section shall be construed to affect or impair any other Federal statutory requirements respecting disclosure or conflict of interest applicable to the Environmental Protection Agency. Subsections (c) and (d) of this section shall not apply after the effective date of any such requirements respecting conflicts of interest which are generally applicable to departments, agencies, and instrumentalities of the United States.”.

AIR QUALITY MONITORING BY ENVIRONMENTAL PROTECTION AGENCY

SEC. 309. Title III of the Clean Air Act is amended by adding the following new section at the end thereof:

“AIR QUALITY MONITORING

“SEC. 319. Not later than one year after the date of enactment of the Clean Air Act Amendments of 1977 and after notice and opportunity for public hearing, the Administrator shall promulgate regulations establishing an air quality monitoring system throughout the United States which—

“(1) utilizes uniform air quality monitoring criteria and methodology and measures such air quality according to a uniform air quality index,

“(2) provides for air quality monitoring stations in major urban areas and other appropriate areas throughout the United States to provide monitoring such as will supplement (but not duplicate) air quality monitoring carried out by the States required under any applicable implementation plan,

“(3) provides for daily analysis and reporting of air quality based upon such uniform air quality index, and

“(4) provides for recordkeeping with respect to such monitoring data and for periodic analysis and reporting to the general public by the Administrator with respect to air quality based upon such data.

The operation of such air quality monitoring system may be carried out by the Administrator or by such other departments, agencies, or entities of the Federal Government (including the National Weather Service) as the President may deem appropriate. Any air

Rules.

Exemption.

Penalty.

Ante, p. 691.

Notice and hearing.
Regulations.

42 USC 7619.

Recordkeeping.
Report to public.

Operation.

Ante, pp.
691-696.

quality monitoring system required under any applicable implementation plan under section 110 shall, as soon as practicable following promulgation of regulations under this section, utilize the standard criteria and methodology, and measure air quality according to the standard index, established under such regulations.”.

MODELING

Conference.

SEC. 310. Title III of the Clean Air Act is amended by adding the following new section at the end thereof:

“STANDARDIZED AIR QUALITY MODELING

42 USC 7620.

“SEC. 320. (a) Not later than six months after the date of the enactment of the Clean Air Act Amendments of 1977, and at least every three years thereafter, the Administrator shall conduct a conference on air quality modeling. In conducting such conference, special attention shall be given to appropriate modeling necessary for carrying out part C of title I (relating to prevention of significant deterioration of air quality).

Ante, p. 731.

“(b) The conference conducted under this section shall provide for participation by the National Academy of Sciences, representatives of State and local air pollution control agencies, and appropriate Federal agencies, including the National Science Foundation; the National Oceanic and Atmospheric Administration, and the National Bureau of Standards.

Transcript.

“(c) Interested persons shall be permitted to submit written comments and a verbatim transcript of the conference proceedings shall be maintained.

“(d) The comments submitted and the transcript maintained pursuant to subsection (c) shall be included in the docket required to be established for purposes of promulgating or revising any regulation relating to air quality modeling under part C of title I.”.

EMPLOYMENT EFFECTS

Evaluations

SEC. 311. Title III of the Clean Air Act is amended by adding the following new section at the end thereof:

“EMPLOYMENT EFFECTS

42 USC 7621.

“SEC. 321. (a) The Administrator shall conduct continuing evaluations of potential loss or shifts of employment which may result from the administration or enforcement of the provision of this Act and applicable implementation plans, including where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such administration or enforcement.

Investigation
request.

“(b) Any employee, or any representative of such employee, who is discharged or laid off, threatened with discharge or layoff, or whose employment is otherwise adversely affected or threatened to be adversely affected because of the alleged results of any requirement imposed or proposed to be imposed under this Act, including any requirement applicable to Federal facilities and any requirement imposed by a State or political subdivision thereof, may request the Administrator to conduct a full investigation of the matter. Any such request shall be reduced to writing, shall set forth with reasonable particularity the grounds for the request, and shall be signed by the employee, or representative of such employee, making the request.

The Administrator shall thereupon investigate the matter and, at the request of any party, shall hold public hearings on not less than five days' notice. At such hearings, the Administrator shall require the parties, including the employer involved, to present information relating to the actual or potential effect of such requirements on employment and the detailed reasons or justification therefor. If the Administrator determines that there are no reasonable grounds for conducting a public hearing he shall notify (in writing) the party requesting such hearing of such a determination and the reasons therefor. If the Administrator does convene such a hearing, the hearing shall be on the record. Upon receiving the report of such investigation, the Administrator shall make findings of fact as to the effect of such requirements on employment and on the alleged actual or potential discharge, layoff, or other adverse effect on employment, and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public.

"(c) In connection with any investigation or public hearing conducted under subsection (b) of this section or as authorized in section 119 (relating to primary nonferrous smelter orders), the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books and documents, and he may administer oaths. Except for emission data, upon a showing satisfactory to the Administrator by such owner or operator that such papers, books, documents, or information or particular part thereof, if made public, would divulge trade secrets or secret processes of such owner, or operator, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such paper, book, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In cases of contumacy or refusal to obey a subpoena served upon any person under this subparagraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator, to appear and produce papers, books, and documents before the Administrator, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(d) Nothing in this section shall be construed to require or authorize the Administrator, the States, or political subdivisions thereof, to modify or withdraw any requirement imposed or proposed to be imposed under this Act."

EMPLOYEE PROTECTION

SEC. 312. Title III of the Clean Air Act is amended by adding at the end thereof the following new section:

"EMPLOYEE PROTECTION

"SEC. 322. (a) No employer may discharge any employee or otherwise discriminate against any employee with respect to his compensa-

Hearings.

Record.

Information,
availability to
public.
Subpenas.
Ante, pp. 709,
712.

Confidential
information.

Witnesses fees.

Penalty.

42 USC 7622.

tion, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

“(1) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this Act or a proceeding for the administration or enforcement of any requirement imposed under this Act or under any applicable implementation plan,

“(2) testified or is about to testify in any such proceeding, or

“(3) assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other action to carry out the purposes of this Act.

Complaint, filing.

“(b) (1) Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, within thirty days after such violation occurs, file (or have any person file on his behalf) a complaint with the Secretary of Labor (hereinafter in this subsection referred to as the ‘Secretary’) alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary shall notify the person named in the complaint of the filing of the complaint.

Notice.

Investigation.

“(2) (A) Upon receipt of a complaint filed under paragraph (1), the Secretary shall conduct an investigation of the violation alleged in the complaint. Within thirty days of the receipt of such complaint, the Secretary shall complete such investigation and shall notify in writing the complainant (and any person acting in his behalf) and the person alleged to have committed such violation of the results of the investigation conducted pursuant to this subparagraph. Within ninety days of the receipt of such complaint the Secretary shall, unless the proceeding on the complaint is terminated by the Secretary on the basis of a settlement entered into by the Secretary and the person alleged to have committed such violation, issue an order either providing the relief prescribed by subparagraph (B) or denying the complaint. An order of the Secretary shall be made on the record after notice and opportunity for public hearing. The Secretary may not enter into a settlement terminating a proceeding on a complaint without the participation and consent of the complainant.

Order.

Notice and hearing.

“(B) If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation to (i) take affirmative action to abate the violation, and (ii) reinstate the complainant to his former position together with the compensation (including back pay), terms, conditions, and privileges of his employment, and the Secretary may order such person to provide compensatory damages to the complainant. If an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys’ and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

Review, petition.

“(c) (1) Any person adversely affected or aggrieved by an order issued under subsection (b) may obtain review of the order in the United States court of appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred. The petition for review must be filed within sixty days from the issuance of the Secretary’s order. Review shall conform to chapter 7 of title 5

of the United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the Secretary's order.

5 USC 701.
Stay.

“(2) An order of the Secretary with respect to which review could have been obtained under paragraph (1) shall not be subject to judicial review in any criminal or other civil proceeding.

“(d) Whenever a person has failed to comply with an order issued under subsection (b) (2), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief, compensatory, and exemplary damages.

Jurisdiction.

“(e) (1) Any person on whose behalf an order was issued under paragraph (2) of subsection (b) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

Final order.

“(2) The court, in issuing any final order under this subsection, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

Court costs.

“(f) Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28 of the United States Code.

“(g) Subsection (a) shall not apply with respect to any employee who, acting without direction from his employer (or the employer's agent), deliberately causes a violation of any requirement of this Act.”.

NATIONAL COMMISSION ON AIR QUALITY

SEC. 313. Title III of the Clean Air Act is amended by adding the following new section at the end thereof:

“NATIONAL COMMISSION ON AIR QUALITY

“Sec. 323. (a) There is established a National Commission on Air Quality which shall study and report to the Congress on—

Establishment.
42 USC 7623.
Study.
Report to
Congress.
Contents.

“(1) available alternatives, including enforcement mechanisms to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and to achieve the other purposes of the Act, including achievement and maintenance of national ambient air quality standards and in accordance with subsection (b) (2) of this section the prevention of significant deterioration of air quality;

“(2) the economic, technology, and environmental consequences of achieving or not achieving the purposes of this Act and programs authorized by it;

“(3) the technological capability of achieving and the economic, energy, and environmental and health effects of achieving or not achieving required emission control levels for mobile sources of oxides of nitrogen in relation to and independent of regulation of emissions of oxides of nitrogen from stationary sources;

“(4) air pollutants not presently regulated, which pose or may in the future pose a threat to public health or public welfare and options available to regulate emissions of such pollutants;

“(5) the adequacy of research, development, and demonstrations being carried out by Federal, State, local, and nongovernmental entities to protect and enhance air quality;

“(6) the ability of (including financial resources, manpower, and statutory authority) Federal, State, and local institutions to implement the purposes of the Act;

“(7) the extent to which the reduction of hydrocarbon emissions is an adequate or appropriate method to achieve primary standards for photochemical oxidants. Such study shall include—

“(A) a description and analysis of the various pollutants which are commonly referred to as ‘photochemical oxidants’ or chemical precursors to photochemical oxidants;

“(B) an analysis of any pollutants or combination of pollutants which need to be reduced to achieve any photochemical oxidant standard, and the amount of such reduction;

“(C) the relationship between the reductions of hydrocarbons, oxides of nitrogen, and any other pollutants and the achievement of applicable standards for photochemical oxidants;

“(D) the degree to which background or natural sources and long-range transportation of pollutants contribute to measured ambient levels of photochemical oxidants;

“(E) any other oxidant-related issues which the Commission determines to be appropriate; and

“(8) (A) the special problems of small businesses and government agencies in obtaining reductions of emissions from existing sources in order to offset increases in emissions from new sources for the purposes of this Act; and

“(B) alternative strategies for permitting, without impeding the achievement of national ambient air quality standards as expeditiously as possible, the construction of new facilities and the modification of existing facilities in air quality control regions exceeding the national ambient air quality standard for any pollutant regulated under the Act.

The Commission’s study and report under paragraph (4) shall include analysis of the health effects of pollutants which are derivatives of oxides of nitrogen.

“(b) (1) Studies and investigations conducted pursuant to subsection (a) shall include the effects of existing or proposed national ambient air quality standards on employment, energy, and the economy (including State and local), their relationship to objective scientific and medical data collected to determine their validity at existing levels, as well as their other social and environmental effects.

“(2) The Commission shall, in carrying out the study authorized under this section, give priority to a study of the implementation of the provisions of part C of this Act (relating to prevention of significant deterioration of air quality) and its effects on the States and the Federal Government. In carrying out such study, the Commission shall study, among other questions, the following:

“(A) whether the provisions relating to the designation of, and protection of air quality in class I areas under part C are appropriate to protect the air quality over lands of special national significance, including recommendations for, and methods to (i) add to or delete lands from such designation, and (ii) provide appropriate protection of the air quality over such lands;

“(B) whether the provisions of part C, including the three-

Ante, p. 731.

hour and twenty-four-hour increments, (i) affect the location and size of major emitting facilities, and (ii) whether such effects are in conflict or consonance with other national policies regarding the development of such facilities;

“(C) whether the technology is available to control emissions from the major emitting facilities which are subject to regulation under part C, including an analysis of the costs associated with that technology;

Ante, p. 731.

“(D) whether the exclusion of nonmajor emitting sources from the regulatory framework under this Act will affect the protection of air quality in class I and class II regions designated under this Act;

“(E) whether the increments of change of air quality under this Act are appropriate to prevent significant deterioration of air quality in class I and class II regions designated under part C of title I;

“(F) whether the choice of predictive air quality models and the assumptions of those models are appropriate to protect air quality in the class I and class II regions designated under part C of title I for the pollutants subject to regulation under part C; and

“(G) the effects of such provisions on employment, energy, the economy (including State and local), the relationship of such policy to the protection of the public health and welfare as well as other national priorities such as economic growth and national defense, and its other social and environmental effects.

“(c) The Commission shall, as a part of any study conducted under subsection (b) (2) of this section, specifically identify any loss or irretrievable commitment of resources (taking into account feasibility), including mineral, agricultural and water resources, as well as land surface-use resources.

“(d) Such Commission shall be composed of eleven members, including the chairman and the ranking minority member of the Senate Committee on Public Works and the House Committee on Interstate and Foreign Commerce (or delegates of such chairmen or member appointed by them from among representatives of such committees) and seven members of the public appointed by the President, by and with the advice and consent of the Senate. The chairman of the Commission shall be elected from among the members thereof. Not more than one-third of the members of the Commission may have any interest in any business or activity regulated under this Act.

Members,
appointment and
confirmation.

Chairman.

“(e) The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Commission in carrying out the requirements of this section, and shall furnish to the Commission such information as the Commission deems necessary to carry out this section.

Executive
branch,
cooperation.

“(f) A report, together with any appropriate recommendations, shall be submitted to the Congress on the results of the investigation and study concerning subsection (a) (3) of this section no later than March 1, 1978, and the results of the investigation and study concerning subsection (b) (2) of this section no later than two years after the date of enactment of the Clean Air Act Amendments of 1977. A report, together with any appropriate recommendations, shall be submitted to the Congress on the results of the investigation and study concerning paragraphs (3) and (8) of subsection (a) of this section no later than

Report, submittal
to Congress.

- March 1, 1978, in order that Congress may have this information in a timely fashion if it deems further changes are needed in the requirements for control of emissions of oxides of nitrogen under this Act, and for other purposes. The Administrator shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the same matters required to be studied by the Commission under subsection (b) (2) and to submit such study to the Congress at the same time as required for the report of the Commission concerning such subsection. Funds shall be available in the same manner, and the Administrator shall have the same authorities and duties respecting such study, as provided in the case of the study authorized pursuant to section 202(c).
- Study.** “(g) A report shall be submitted with regard to all Commission studies and investigations other than those referred to in subsection (f), together with any appropriate recommendations, not later than three years after the date of enactment of this section. Upon submission of such report or upon expiration of such three-year period, whichever is sooner, the Commission shall cease to exist. The members of the Commission who are not officers or employees of the United States, while attending conferences or meetings of the Commission or while otherwise serving at the request of the Chairman shall be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title V of the United States Code, including travel-time and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.
- Funds, availability.**
- 42 USC 7521. Report.**
- Compensation and travel expenses.**
- 5 USC 5332 note.**
- 5 USC 5703, 5707. Hearings.**
- “(j) In the conduct of the study, the Commission is authorized to contract with nongovernmental entities that are competent to perform research or investigations in areas within the Commission’s mandate, and to hold public hearings, forums, and workshops to enable full public participation. The Commission may contract with non-profit technical and scientific organizations, including the National Academy of Sciences, for the purpose of developing necessary technical information for the study authorized by subsection (a) (7) of this section.”.

VAPOR RECOVERY

SEC. 314. (a) Title III of the Clean Air Act is amended by adding the following new section at the end thereof:

“COST OF EMISSION CONTROL FOR CERTAIN VAPOR RECOVERY TO BE BORNE BY OWNER OF RETAIL OUTLET

42 USC 7624.

“SEC. 324. (a) The regulations under this Act applicable to vapor recovery with respect to mobile source fuels at retail outlets of such fuels shall provide that the cost of procurement and installation of such vapor recovery shall be borne by the owner of such outlet (as determined under such regulations). Except as provided in subsection (b), such regulations shall provide that no lease of a retail outlet by the owner thereof which is entered into or renewed after the date of enactment of the Clean Air Act Amendments of 1977 may provide for a payment by the lessee of the cost of procurement and installation of vapor recovery equipment. Such regulations shall also provide that the cost of procurement and installation of vapor recovery equipment

may be recovered by the owner of such outlet by means of price increases in the cost of any product sold by such owner, notwithstanding any provision of law.

“(b) The regulations of the Administrator referred to in subsection (a) shall permit a lease of a retail outlet to provide for payment by the lessee of the cost of procurement and installation of vapor recovery equipment over a reasonable period (as determined in accordance with such regulations), if the owner of such outlet does not sell, trade in, or otherwise dispense any product at wholesale or retail at such outlet.”

(b) Title III of such Act is amended by adding the following new section at the end thereof:

**“VAPOR RECOVERY FOR SMALL BUSINESS MARKETERS OF PETROLEUM
PRODUCTS**

“SEC. 325. (a) The regulations under this Act applicable to vapor recovery from fueling of motor vehicles at retail outlets of gasoline shall not apply to any outlet owned by an independent small business marketer of gasoline having monthly sales of less than 50,000 gallons. In the case of any other outlet owned by an independent small business marketer, such regulations shall provide, with respect to independent small business marketers of gasoline, for a three-year phase-in period for the installation of such vapor recovery equipment at such outlets under which such marketers shall have—

“(1) 33 percent of such outlets in compliance at the end of the first year during which such regulations apply to such marketers,

“(2) 66 percent at the end of such second year, and

“(3) 100 percent at the end of the third year.

“(b) Nothing in subsection (a) shall be construed to prohibit any State from adopting or enforcing, with respect to independent small business marketers of gasoline having monthly sales of less than 50,000 gallons, any vapor recovery requirements for mobile source fuels at retail outlets. Any vapor recovery requirement which is adopted by a State and submitted to the Administrator as part of its implementation plan may be approved and enforced by the Administrator as part of the applicable implementation plan for that State.

“(c) For purposes of this section, an independent small business marketer of gasoline is a person engaged in the marketing of gasoline who would be required to pay for procurement and installation of vapor recovery equipment under section 324 of this Act or under regulations of the Administrator, unless such person—

“(1) (A) is a refiner, or

“(B) controls, is controlled by, or is under common control with, a refiner,

“(C) is otherwise directly or indirectly affiliated (as determined under the regulations of the Administrator) with a refiner or with a person who controls, is controlled by, or is under a common control with a refiner (unless the sole affiliation referred to herein is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or any such person), or

“(2) receives less than 50 percent of his annual income from refining or marketing of gasoline.

Payment.

42 USC 7625.

Small business marketer.

Ante, p. 788.

Definitions.

For the purpose of this section, the term 'refiner' shall not include any refiner whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with, such refiner) does not exceed 65,000 barrels per day. For purposes of this section, 'control' of a corporation means ownership of more than 50 percent of its stock."

AUTHORIZATIONS

SEC. 315. Title III of the Clean Air Act is amended by adding the following new section at the end thereof:

"APPROPRIATIONS

42 USC 7626.

SEC. 325. (a) There are authorized to be appropriated to carry out this Act (other than provisions for which amounts are authorized under subsection (b)), \$200,000,000 for the fiscal year 1978 and for each of the three fiscal years beginning thereafter.

Ante, p. 749.

"(b) (1) There are authorized to be appropriated to carry out section 175 beginning in fiscal year 1978, \$75,000,000 to be available until expended.

Ante, p. 785.

"(2) There are authorized to be appropriated for use in carrying out section 323 (relating to National Commission on Air Quality), not to exceed \$10,000,000 beginning in fiscal year 1978. For the study authorized under section 323 there shall be made available by contract to the National Commission on Air Quality from the appropriation to the Environmental Protection Agency for fiscal year 1977 the sum of \$1,000,000.

Ante, p. 725.

"(3) There are authorized to be appropriated to carry out section 127 (relating to grants for public notification) \$4,000,000 for the fiscal year 1978 and each of the three succeeding fiscal years.

Ante, p. 686.

"(4) For purposes of section 103(b) (5), there are authorized to be appropriated \$7,500,000 for the fiscal year 1978 and each of the three fiscal years beginning after the date of enactment of the Clean Air Act Amendments of 1977.

Ante, p. 726.

"(5) For the purpose of carrying out the provisions of part B of title I relating to studies and reports, there are authorized to be appropriated—

"(A) to the National Aeronautics and Space Administration, the National Science Foundation, and the Department of State, such sums as may be necessary for the fiscal year ending September 30, 1977, and the fiscal year ending September 30, 1978;

"(B) to the Environmental Protection Agency, \$157,000,000 for fiscal year 1978; and

"(C) to all other agencies such sums as may be necessary.

Ante, pp. 686, 687.

42 USC 7404.

"(6) There are authorized to be appropriated for carrying out research, development and demonstration under sections 103 and 104 of this Act \$120,000,000 for fiscal year 1978."

TITLE IV—GENERAL AND MISCELLANEOUS PROVISIONS

BASIS OF ADMINISTRATIVE STANDARDS

42 USC 7408.

SEC. 401. (a) Section 108(a)(1)(A) of the Clean Air Act is amended to read as follows:

“(A) emissions of which, in his judgment, cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare;”.

(b) The second sentence of section 111(b)(1)(A) of such Act is amended to read as follows: “He shall include a category of sources in such list if in his judgment it causes, or contributes significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare.”. 42 USC 7411.

(c) Paragraph (1) of section 112(a) of such Act is amended to read as follows: “Hazardous air pollutant.” 42 USC 7412.

“(1) The term ‘hazardous air pollutant’ means an air pollutant to which no ambient air quality standard is applicable and which in the judgment of the Administrator causes, or contributes to, air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.”.

(d)(1) Section 202(a)(1) of such Act is amended to read as follows: Regulations. 42 USC 7521.

“(a)(1) Except as otherwise provided in subsection (b) the Administrator shall by regulation prescribe (and from time to time revise) in accordance with the provisions of this section, standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare. Such standards shall be applicable to such vehicles and engines for their useful life (as determined under subsection (d), relating to useful life of vehicles for purposes of certification), whether such vehicles and engines are designed as complete systems or incorporate devices to prevent or control such pollution.”.

(2) Section 202(e) of such Act is amended by striking out “which cause or contribute to, or are likely to cause or contribute to, air pollution which endangers” and substituting “which in his judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger”.

(e) Section 211(c)(1)(A) of such Act is amended to read as follows: “(A) if in the judgment of the Administrator any emission product of such fuel or fuel additive causes, or contributes, to air pollution which may reasonably be anticipated to endanger the public health or welfare, or”. 42 USC 7545.

(f) Section 231(a)(2) of such Act is amended to read as follows: 42 USC 7571.

“(2) The Administrator shall, from time to time, issue proposed emission standards applicable to the emission of any air pollutant from any class or classes of aircraft engines which in his judgment causes, or contributes to, air pollution which may reasonably be anticipated to endanger public health or welfare.”.

INTERAGENCY COOPERATION ON PREVENTION OF ENVIRONMENTAL CANCER AND HEART AND LUNG DISEASE

SEC. 402. (a) Not later than three months after the date of enactment of this section, there shall be established a Task Force on Environmental Cancer and Heart and Lung Disease (hereinafter referred to as the ‘Task Force’). The Task Force shall include representatives of the Environmental Protection Agency, the National Cancer Institute, the National Heart, Lung, and Blood Institute, the National Institute of Occupational Safety and Health, and the National Institute on Environmental Health Sciences, and shall be chaired by the Administrator (or his delegate).

(b) The Task Force shall—

Task Force on
Environmental
Cancer and Heart
and Lung
Disease.
Establishment.
42 USC 4362.
Members.

(1) recommend a comprehensive research program to determine and quantify the relationship between environmental pollution and human cancer and heart and lung disease;

(2) recommend comprehensive strategies to reduce or eliminate the risks of cancer or such other diseases associated with environmental pollution;

(3) recommend research and such other measures as may be appropriate to prevent or reduce the incidence of environmentally related cancer and heart and lung diseases;

(4) coordinate research by, and stimulate cooperation between, the Environmental Protection Agency, the Department of Health, Education, and Welfare, and such other agencies as may be appropriate to prevent environmentally related cancer and heart and lung diseases; and

(5) report to Congress, not later than one year after the date of enactment of this section and annually thereafter, on the problems and progress in carrying out this section.

Report to
Congress.

STUDIES

Report to
Congress.
42 USC 7548
note.

SEC. 403. (a) Not later than eighteen months after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency, in cooperation with the National Academy of Sciences, shall study and report to Congress on (1) the relationship between the size, weight, and chemical composition of suspended particulate matter and the nature and degree of the endangerment to public health or welfare presented by such particulate matter (especially with respect to fine particulate matter) and (2) the availability of technology for controlling such particulate matter.

Report to
Congress.
42 USC 7401
note.

(b) The Administrator of the Environmental Protection Agency shall conduct a study and report to the Congress not later than January 1, 1979, on the effects on public health and welfare of odors or odorous emissions, the sources of such emissions, the technology or other measures available for control of such emissions and the costs of such technology or measures, and the costs and benefits of alternative measures or strategies to abate such emissions. Such report shall include an evaluation of whether air quality criteria or national ambient air quality standards should be published under the Clean Air Act for odors, and what other strategies or authorities under the Clean Air Act are available or appropriate for abating such emissions.

Evaluation.

42 USC 7401
note.

Chemical
contaminants list,
publication.
42 USC 7401
note.

(c) (1) Not later than twelve months after the date of enactment of this Act the Administrator of the Environmental Protection Agency shall publish throughout the United States a list of all known chemical contaminants resulting from environmental pollution which have been found in human tissue including blood, urine, breast milk, and all other human tissue. Such list shall be prepared for the United States and shall indicate the approximate number of cases, the range of levels found, and the mean levels found.

Explanation,
publication.

(2) Not later than eighteen months after the date of enactment of this Act the Administrator shall publish in the same manner an explanation of what is known about the manner in which the chemicals described in paragraph (1) entered the environment and thereafter human tissue.

(3) The Administrator, in consultation with National Institutes of Health, the National Center for Health Statistics, and the National Center for Health Services Research and Development, shall, if feasible, conduct an epidemiological study to demonstrate the rela-

tionship between levels of chemicals in the environment and in human tissue. Such study shall be made in appropriate regions or areas of the United States in order to determine any different results in such regions or areas. The results of such study shall, as soon as practicable, be reported to the appropriate committee of the Congress.

Report to congressional committee.
42 USC 7401 note.

(d) The Administrator of the Environmental Protection Agency shall conduct a study of air quality in various areas throughout the country including the gulf coast region. Such study shall include analysis of liquid and solid aerosols and other fine particulate matter and the contribution of such substances to visibility and public health problems in such areas. For the purposes of this study, the Administrator shall use environmental health experts from the National Institutes of Health and other outside agencies and organizations.

(e) (1) The Secretary of Labor, in consultation with the Administrator, shall conduct a study of potential dislocation of employees due to implementation of laws administered by the Administrator. Such study shall estimate the number of employees so affected, identify existing sources of assistance available to such employees, assess the adequacy of such assistance, and recommend additional adjustment measures, if justified.

42 USC 7621 note.

(2) The Secretary shall submit to Congress the results of the study conducted under paragraph (1) not more than one year after the date of enactment of this section.

Study results, submittal to Congress.

(f) The Administrator of the Environmental Protection Agency shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct continuing comprehensive studies and investigations of the effects on public health and welfare of emissions subject to section 202(a) of the Clean Air Act (including sulfur compounds) and the technological feasibility of meeting emission standards required to be prescribed by the Administrator by section 202(b) of such Act. The Administrator shall report to the Congress within six months of the date of enactment of this section and each year thereafter regarding the status of the contractual arrangements and conditions necessary to implement this paragraph.

42 USC 7521 note.

Ante, pp. 759, 760, 765, 791.

Report to Congress.

(g) The Administrator of the Environmental Protection Agency shall conduct a study and report to Congress by the date one year after the date of the enactment of this section, on the emission of sulfur-bearing compounds from motor vehicles and motor vehicle engines and aircraft engines. Such study and report shall include but not be limited to a review of the effects of such emissions on public health and welfare and an analysis of the costs and benefits of alternatives to reduce or eliminate such emissions (including desulfurization of fuel, short-term allocation of low sulfur crude oil, technological devices used in conjunction with current engine technologies, alternative engine technologies, and other methods) as may be required to achieve any proposed or promulgated emission standards for sulfur compounds.

Report to Congress.
42 USC 7521 note.

RAILROAD EMISSION STUDY

SEC. 404. (a) The Administrator of the Environmental Protection Agency shall conduct a study and investigation of emissions of air pollutants from railroad locomotives, locomotive engines, and secondary power sources on railroad rolling stock, in order to determine—

42 USC 7401 note.

(1) the extent to which such emissions affect air quality in air quality control regions throughout the United States,

Report to
congressional
committees.

- (2) the technological feasibility and the current state of technology for controlling such emissions, and
- (3) the status and effect of current and proposed State and local regulations affecting such emissions.

(b) Within one hundred and eighty days after commencing such study and investigation, the Administrator shall submit a report of such study and investigation, together with recommendations for appropriate legislation, to the Senate Committee on Environment and Public Works and the House Committee on Interstate and Foreign Commerce.

STUDY AND REPORT CONCERNING ECONOMIC APPROACHES TO CONTROLLING
AIR POLLUTION

42 USC 7401
note.

SEC. 405. (a) The Administrator, in conjunction with the Council of Economic Advisors (hereinafter in this section referred to as 'the Council'), shall undertake a study and assessment of economic measures for the control of air pollution which could—

(1) strengthen the effectiveness of existing methods of controlling air pollution,

42 USC 7401
note.

(2) provide incentives to abate air pollution to a greater degree than is required by existing provisions of the Clean Air Act (and regulations thereunder), and

(3) serve as the primary incentive for controlling air pollution problems not addressed by any provision of the Clean Air Act (or any regulation thereunder).

(b) The study of measures referred to in paragraph (1) of subsection (a) shall concentrate on (1) identification of air pollution problems for which existing methods of control are not effective because of economic incentives to delay compliance and (2) formulation of economic measures which could be taken with respect to each such air pollution problem which would provide an incentive to comply without interfering with such existing methods of control.

(c) The study of measures referred to in paragraph (2) of subsection (a) shall concentrate on (1) identification of air pollution problems for which existing methods of control may not be sufficiently extensive to achieve all desired environmental goals and (2) formulation of economic measures for each such air pollution problem which would provide additional incentives to reduce air pollution without—

(A) interfering with the effectiveness of existing methods of control, or

(B) creating problems similar to those which prevent alternative regulatory methods from being used to reach such environmental goals.

(d) The study of the measures referred to in paragraph (3) of subsection (a) shall concentrate on (1) identification of air pollution problems for which no existing methods of control exist, (2) formulation of economic measures to reduce such pollution, and (3) comparison of the environmental and economic impacts of the economic measures with those of any alternative regulatory methods which can be identified.

(e) In conducting the study under this section, a preliminary screening should be made of the problems referred to in subsections (b)(1), (c)(1), and (d)(1) and economic measures should be formulated under subsections (b)(2), (c)(2), and (d)(2) in the most promising cases, giving special attention to structural and administra-

tive problems. In formulating any such measure which provides for a charge, the appropriate level of the charge should be determined, if possible, and the environmental and economic impacts should be identified.

(f) Within one year after the date of enactment of this Act, the Administrator shall complete a study and report to the Congress on the advantages and disadvantages (including an analysis of the feasibility) of establishing a system of penalties for stationary sources on emissions of oxides of nitrogen and make recommendation regarding the establishment of such a system. Such study shall determine if such a system will effectively encourage the development of more effective systems and technologies for control of emissions of oxides of nitrogen for new major emitting facilities, or existing major emitting facilities, or both. In any case in which a proposed penalty system is recommended by the Administrator, the report should include—

Report to
Congress.

(1) a recommendation respecting the appropriate period during which such system of penalties should apply, and the appropriate termination date or dates for such system, if any, taking into account—

(A) the time at which adequate technology may reasonably be anticipated to be available to control oxides of nitrogen for that category of facilities,

(B) the degree to which such technology can be expected to be used on such facilities, and

(C) the Administrator's authorities to require the use of such technology, and

(2) recommendations respecting the compilation of records by facilities subject to such penalties for purposes of determining the applicability and amount of such penalty.

(g) Not later than two years after the date of the enactment of this section, the Administrator and the Council shall conclude the study and assessment under this section and submit a report containing the results thereof to the President and to the Congress. Interim reports on specific pollution problems and solutions recommended shall be made available to the President and the Congress by the Administrator whenever available.

Report to
President and
Congress.

Interim reports to
President and
Congress.

SAVING PROVISION; EFFECTIVE DATES

SEC. 406. (a) No suit, action, or other proceeding lawfully commenced by or against the Administrator or any other officer or employee of the United States in his official capacity or in relation to the discharge of his official duties under the Clean Air Act, as in effect immediately prior to the date of enactment of this Act shall abate by reason of the taking effect of the amendments made by this Act. The court may, on its own motion or that of any party made at any time within twelve months after such taking effect, allow the same to be maintained by or against the Administrator or such officer or employee.

42 USC 7401
note.

42 USC 7401
note.

(b) All rules, regulations, orders, determinations, contracts, certifications, authorizations, delegations, or other actions duly issued, made, or taken by or pursuant to the Clean Air Act as in effect immediately prior to the date of enactment of this Act, and pertaining to any functions, powers, requirements, and duties under the Clean Air Act, as in effect immediately prior to the date of enactment of this Act, and

42 USC 7401
note.

not suspended by the Administrator or the courts, shall continue in full force and effect after the date of enactment of this Act until modified or rescinded in accordance with the Clean Air Act as amended by this Act.

Ante, pp.
691-696.

(c) Nothing in this Act nor any action taken pursuant to this Act shall in any way affect any requirement of an approved implementation plan in effect under section 110 of this Act or any other provision of the Act in effect under the Clean Air Act before the date of enactment of this section until modified or rescinded in accordance with the Clean Air Act as amended by this Act.

Effective date.

(d) (1) Except as otherwise expressly provided, the amendments made by this Act shall be effective on date of enactment.

Plan revision.

(2) Except as otherwise expressly provided, each State required to revise its applicable implementation plan by reason of any amendment made by this Act shall adopt and submit to the Administrator of the Environmental Protection Administration such plan revision before the later of the date—

(A) one year after the date of enactment of this Act, or

(B) nine months after the date of promulgation by the Administrator of the Environmental Protection Administration of any regulations under an amendment made by this Act which are necessary for the approval of such plan revision.

Approved August 7, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-294 (Comm. on Interstate and Foreign Commerce) and No. 95-564 (Comm. of Conference).

SENATE REPORT No. 95-127 accompanying S. 252 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 24-26, considered and passed House.

June 8, 10, considered and passed Senate, amended.

Aug. 4, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 33:

Aug. 8, Presidential statement.

Public Law 95-96
95th Congress

An Act

Making appropriations for public works for water and power development and energy research for the fiscal year ending September 30, 1978, and for other purposes.

Aug. 7, 1977

[H.R. 7553]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1978, for public works for water and power development and energy research, and for other purposes, namely:

Public Works for
Water and Power
Development and
Energy Research
Appropriation
Act, 1978.

TITLE I—ENERGY RESEARCH AND DEVELOPMENT
ADMINISTRATION

OPERATING EXPENSES

For necessary operating expenses of the Administration in carrying out the purposes of the Energy Reorganization Act of 1974; hire, maintenance, and operation of aircraft; publication and dissemination of atomic and other energy information; purchase, repair, and cleaning of uniforms; official entertainment expenses (not to exceed \$15,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles; \$4,359,806,000 and any moneys (except sums received from disposal of property under the Atomic Energy Community Act of 1955 and the Strategic and Critical Materials Stockpiling Act, as amended, and fees received for tests or investigations under the Act of May 16, 1910, as amended (42 U.S.C. 2301; 50 U.S.C. 98h; 30 U.S.C. 7)) received by the Energy Research and Development Administration, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended: *Provided*, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That the amount appropriated in any other appropriation act for "Operating expenses" for the Energy Research and Development Administration for the fiscal year ending September 30, 1978, shall be merged with this appropriation: *Provided further*, That up to \$14,000,000 of this appropriation is to conduct a study of the Barnwell Nuclear Fuels Plant located in South Carolina to determine if that facility may be utilized in support of the nonproliferation objectives of the United States; and for activities contributing to the International Fuel Cycle Evaluation Program to be carried out under contract at the Barnwell Nuclear Fuels Plant, including only such research, assessment and evaluation activities as the Administrator determines are consistent with the Nation's nuclear research and nonproliferation policies and provided that the plant shall not be used to process spent fuel from nuclear reactors: *Provided further*,

42 USC 5801
note.

Presidential
certification to
Congress.

Disapproval
resolution.

That none of the funds appropriated herein shall be used to terminate the Clinch River Breeder Reactor Project: *Provided further*, That \$1,800,000 of this appropriation shall be for financial awards to independent inventors, as authorized, for the purpose of carrying out section 14 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended (42 U.S.C. 5913): *Provided further*, That none of the funds appropriated in this Act shall be used for production of enhanced radiation weapons until the President certifies to Congress that production of these weapons is in the national interest: *Provided further, however*, That after such certification is received, production may proceed, unless within forty-five days Congress by concurrent resolution disapproves such production: *Provided further*, That such disapproval resolution be referred to the appropriate committee, and if the committee has not reported the resolution at the end of ten calendar days after its introduction, it is in order to move to discharge the committee from further consideration, which motion shall be privileged and shall not be debatable. A motion to proceed to the resolution shall be privileged and not be debatable. Debate on the resolution shall be limited to not more than ten hours which shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees. Amendments to the resolution shall not be in order and debate on any debatable motion or point of order submitted by the Chair shall be limited to not more than thirty minutes to be equally divided between, and controlled by, the mover and the Majority Leader or his designee. Motions to recommit the resolution or to reconsider the vote by which the resolution was disposed of shall not be received.

PLANT AND CAPITAL EQUIPMENT

42 USC 5801
note.

For expenses of the Administration, as authorized by law, in connection with the purchase and construction of plant and the acquisition of capital equipment and other expenses incidental thereto necessary in carrying out the purposes of the Energy Reorganization Act of 1974, including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of not to exceed four hundred and sixty-six of which four hundred and sixteen are for replacement only, and hire of passenger motor vehicles; purchase of not to exceed two, and hire of aircraft; \$1,601,849,000, to remain available until expended: *Provided*, That the amount appropriated in any other appropriation Act for "Plant and capital equipment" for the Energy Research and Development Administration for the fiscal year ending September 30, 1978, shall be merged with this appropriation.

GEOTHERMAL RESOURCES DEVELOPMENT FUND

30 USC 1101
note.

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development, and Demonstration Act of 1974, \$15,000,000, to remain available until expended: *Provided*, That the indebtedness guaranteed or committed to be guaranteed shall not exceed the aggregate of \$300,000,000: *Provided further*, That after September 2, 1984, no part of this or any other appropriation for the purposes of the Loan Guarantee and Interest Assistance Program shall be available for obligation.

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses of the Energy Research and Development Administration, as authorized by law, \$1,500,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations, to such office for payment in the foregoing currencies.

GENERAL PROVISION

SEC. 101. Not to exceed 5 per centum of appropriations made available for the current fiscal year for "Operating expenses" and "Plant and capital equipment" may be transferred between such appropriations, but neither such appropriation, except as otherwise provided herein, shall be increased by more than 5 per centum by any such transfers, and any such transfers shall be reported promptly to the Appropriations Committees of the House and Senate.

Funds, transfer.
Report to
congressional
committees.

TITLE II—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, and when authorized by law, surveys and studies of projects prior to authorization for construction, \$103,646,000, to remain available until expended.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,523,820,000, to remain available until expended: *Provided*, That no part of this appropriation shall be used for projects not authorized by law or which are authorized by law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That not to exceed \$4,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

16 USC 1531
note.

CONSTRUCTION, GENERAL

(Rescission)

90 Stat. 891.

Appropriations provided under this head in the Public Works for Water and Power Development and Energy Research Appropriation Act, 1977, are hereby rescinded in the amount of \$6,550,000.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

16 USC 1531
note.

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), \$253,081,000, to remain available until expended: *Provided*, That not less than \$250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District engineer and the State Conservationist: *Provided further*, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; administration of laws pertaining to preservation of navigable waters; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation; \$745,370,000, to remain available until expended.

REVOLVING FUND

For the design and construction of hopper dredges, \$21,525,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

33 USC 701n.

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, \$18,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors and the Coastal Engineering Research Center; commercial statistics; and miscellaneous investigations; \$56,800,000.

SPECIAL RECREATION USE FEES

For construction, operation, and maintenance of outdoor recreation facilities, including collection of special recreation use fees, to remain available until expended, \$6,000,000, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601): *Provided*, That not more than 40 per centum of the foregoing amount shall be available for the enhancement of the fee collection system established by section 4 of such Act, including the promotion and enforcement thereof.

16 USC 4601-6a.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by 5 U.S.C. 4110, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; not to exceed \$10,000 for official reception and representation expenses; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed one hundred and ninety-five for replacement only), and hire of passenger motor vehicles: *Provided*, That the total capital of the revolving fund shall not exceed \$351,600,000.

TITLE III—DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau, as follows:

43 USC 371 and note.

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, \$25,106,000: *Provided*, That none of this appropriation shall be used for more than one-half of the cost of an investigation requested by a State, municipality, or other interest.

CONSTRUCTION AND REHABILITATION

For construction and rehabilitation of authorized reclamation projects or parts thereof (including power transmission facilities) and for other related activities, as authorized by law, to remain available until expended, \$362,835,000, of which \$245,000,000 shall be derived from the reclamation fund: *Provided*, That no part of this appropriation shall be used to initiate the construction of transmission facilities within those areas covered by power wheeling service contracts which include provision for service to Federal establishments and preferred customers, except those transmission facilities for which construction funds have been heretofore appropriated, those facilities which are necessary to carry out the terms of such contracts or those facilities for

which the Secretary of the Interior finds the wheeling agency is unable or unwilling to provide for the integration of Federal projects or for service to a Federal establishment or preferred customer: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further*, That of the amount herein appropriated not to exceed \$400,000 for the Central Oregon Irrigation District shall be available for construction on a rehabilitation and betterment program under the Act of October 7, 1949 (63 Stat. 724), as amended, to be repaid in full under conditions satisfactory to the Secretary of the Interior: *Provided further*, That not to exceed \$2,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

43 USC 504 and
note.

16 USC 1531
note.

CONSTRUCTION AND REHABILITATION

(Rescission)

Appropriations provided under this head in the Public Works for Water and Power Development and Energy Research Appropriation Act, 1977, are hereby rescinded in the amount of \$2,200,000.

90 Stat. 893.

UPPER COLORADO RIVER STORAGE PROJECT

For the Upper Colorado River Storage Project, as authorized by the Act of April 11, 1956, as amended (43 U.S.C. 620d), to remain available until expended, \$71,066,000, of which \$67,051,000 shall be available for the "Upper Colorado River Basin Fund" authorized by section 5 of said Act of April 11, 1956, and \$4,015,000 shall be available for construction of recreational and fish and wildlife facilities authorized by section 8 thereof, and may be expended by bureaus of the Department through or in cooperation with State or other Federal agencies, and advances to such Federal agencies are hereby authorized: *Provided*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument.

43 USC 620d.

43 USC 620g.

UPPER COLORADO RIVER STORAGE PROJECT

(Rescission)

Appropriations provided under this head in the Public Works for Water and Power Development and Energy Research Appropriation Act, 1977, are hereby rescinded in the amount of \$3,000,000.

90 Stat. 894.

COLORADO RIVER BASIN PROJECT

For advances to the Lower Colorado River Basin Development Fund, as authorized by section 403 of the Act of September 30, 1968 (82 Stat. 894), for the construction, operation, and maintenance of projects authorized by title III of said Act, to remain available until expended, \$78,145,000.

43 USC 1543.

43 USC 1521.

COLORADO RIVER BASIN SALINITY CONTROL PROJECTS

For construction of projects authorized by the Act of June 24, 1974, Public Law 93-320, to remain available until expended, \$22,675,000.

43 USC 1571
note.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, \$157,400,000, of which \$133,000,000 shall be derived from the reclamation fund and \$5,327,000 shall be derived from the Colorado River Dam fund: *Provided*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Act of July 4, 1955, as amended (43 U.S.C. 421a-421d), and August 6, 1956, as amended (43 U.S.C. 422a-422k), including expenses necessary for carrying out the program, \$27,753,000, to remain available until expended: *Provided*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

43 USC 421a.

43 USC 388.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the offices of the Commissioner of Reclamation and in the regional offices of the Bureau of Reclamation, \$24,445,000, to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

SPECIAL FUNDS

Sums herein referred to as being derived from the Reclamation fund, the Colorado River Dam fund, or the Colorado River development fund, are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391), the Act of December 21, 1928 (43 U.S.C. 617a), and the Act of July 19, 1940 (43 U.S.C. 618a) respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the heads "Operation and Maintenance" and "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

ADMINISTRATIVE PROVISIONS

58 Stat. 487. Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed forty-one passenger motor vehicles of which thirty shall be for replacement only; purchase of two aircraft for replacement only; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for services as authorized by 5 U.S.C. 3109, in total not to exceed \$65,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriation Act, 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Act of August 21, 1935 (16 U.S.C. 461-467): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for reconnaissance, basin surveys, and general engineering and research under the head "General Investigations".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

43 USC 377a. No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

Not to exceed \$225,000 may be expended from the appropriation "Construction and Rehabilitation" for work by force account on any one project or Pick-Sloan Missouri Basin Program unit and then only when such work is unsuitable for contract or no acceptable bid has been received and, other than otherwise provided in this paragraph or as may be necessary to meet local emergencies, not to exceed 12 per centum of the construction allotment for any project from the appropriation "Construction and Rehabilitation" contained in this

Act, shall be available for construction work by force account: *Provided*, That this paragraph shall not apply to work performed under the Rehabilitation and Betterment Act of 1949 (63 Stat. 724).

43 USC 504 and
note.

ALASKA POWER ADMINISTRATION

GENERAL INVESTIGATIONS

For engineering and economic investigations to promote the development and utilization of the water, power, and related resources of Alaska, \$864,000, to remain available until expended: *Provided*, That \$20,000 of this appropriation shall be transferred to the United States Fish and Wildlife Service for studies, investigations, and reports thereon, as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563-565).

16 USC 661 note.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, including purchase of not to exceed one passenger motor vehicle for replacement only, \$1,231,000.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are hereby specifically approved for purchase of three helicopters for replacement only; and for official reception and representation expenses not to exceed \$1,500.

16 USC 838i.

SOUTHEASTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$1,143,000.

SOUTHWESTERN POWER ADMINISTRATION

CONSTRUCTION

For construction and acquisition of transmission lines, substations, and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$4,312,000, to remain available until expended.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, including purchase of not to exceed three passenger motor vehicles for replacement only, \$8,193,000.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Emergency reconstruction.

SEC. 301. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Fire prevention.

SEC. 302. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

Warehouses, garages, and shops.

SEC. 303. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials, and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

Southwestern Power Administration.

SEC. 304. No part of any funds made available by this Act to the Southwestern Power Administration may be made available to any other agency, bureau, or office for any purposes other than for services rendered pursuant to law to the Southwestern Power Administration.

SEC. 305. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total not to exceed \$100,000.

SEC. 306. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

TITLE IV—INDEPENDENT OFFICES

APPALACHIAN REGIONAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Cochairman and his alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$2,075,000.

FUNDS APPROPRIATED TO THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, except expenses authorized by section 105 of said Act, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, to remain available until expended, \$323,700,000, of which \$211,300,000 shall be available for the Appalachian Development Highway System, but no part of any appropriation in this Act shall be available for expenses in connection with commitments for contracts or grants for the Appalachian Development Highway System in excess of the total amount herein and heretofore appropriated.

40 USC app. 1.
40 USC app. 109.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), \$87,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), \$232,000.

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the work of the Commission, as authorized by law, including hire of passenger motor vehicles, hire of aircraft, services as authorized by 5 U.S.C. 3109, and not to exceed \$1,000 for official reception and representation expenses, \$42,785,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE
POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), \$53,000.

33 USC 567b-1.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of

42 USC 5801
note.

uniforms; official entertainment expenses (not to exceed \$10,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft; \$281,423,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1541), \$88,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), \$200,000.

TENNESSEE VALLEY AUTHORITY

PAYMENT TO TENNESSEE VALLEY AUTHORITY FUND

16 USC 831. For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C., ch. 12A), including hire, maintenance, and operation of aircraft, and hire of passenger motor vehicles, \$138,510,000, to remain available until expended: *Provided*, That not to exceed \$2,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

16 USC 1531
note.

WATER RESOURCES COUNCIL

WATER RESOURCES PLANNING

For expenses necessary in carrying out the provisions of the Water Resources Planning Act of 1965 (42 U.S.C. 1962—1962d-3), as amended, including services as authorized by 5 U.S.C. 3109 and 42 U.S.C. 1962a-4(5), and hire of passenger motor vehicles (42 U.S.C. 1962a-4(6)), \$13,696,000, to remain available until expended, including \$1,158,000 for expenses in administering the Act (42 U.S.C. 1962d(b)), \$3,631,000 for preparation of assessments and plans (42 U.S.C. 1962d(c)), \$3,006,000 for preparation of plans (33 U.S.C. 1289), \$2,901,000 for expenses of river basin commissions under title II of the Act (42 U.S.C. 1962d(a)), and \$3,000,000 for grants to States under title III of the Act (42 U.S.C. 1962c(a)).

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein. Fiscal year limitation.

This Act may be cited as the “Public Works for Water and Power Development and Energy Research Appropriation Act, 1978”. Short title.

Approved August 7, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-379 (Comm. on Appropriations) and No. 95-507 (Comm. of Conference).

SENATE REPORT No. 95-301 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 13, 14, considered and passed House.

June 30, July 1, 11-13, considered and passed Senate, amended.

July 25, House agreed to conference report; receded and concurred in certain Senate amendments; receded and concurred in one Senate amendment with an amendment; Senate agreed to conference report; concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 33:

Aug. 8, Presidential statement.

Public Law 95-97
95th Congress

An Act

Aug. 12, 1977
[H.R. 7558]

Making appropriations for Agriculture and Related Agencies programs for the fiscal year ending September 30, 1978, and for other purposes.

Agriculture and
related agencies
appropriations,
fiscal year 1978.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture and Related Agencies programs for the fiscal year ending September 30, 1978, and for other purposes; namely:

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, including not to exceed \$5,000 for employment under 5 U.S.C. 3109, \$2,496,000; in addition to appropriations provided herein, the Secretary may transfer up to \$1,500,000 for salaries and expenses of personnel on detail to his office: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558: *Provided further*, That not to exceed \$4,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

DEPARTMENTAL ADMINISTRATION

For Budget, Fiscal and Management, \$3,568,721; for General Operations, \$1,670,217; for ADP Systems, \$201,335; for Personnel Administration, \$2,146,127; for Equal Opportunity, \$1,444,600; for Information Services provided by the Office of Communication, including the dissemination of agricultural information and the coordination of informational work and programs authorized by Congress in the Department, \$5,245,000; making a total of \$14,276,000 for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture, and for general administration of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, of which not to exceed \$10,000 for employment under 5 U.S.C. 3109 and, not to exceed \$1,585,000 may be used for farmers' bulletins and not less than two hundred thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by 44 U.S.C. 1301: *Provided*, That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

ECONOMIC MANAGEMENT SUPPORT CENTER

For necessary expenses of the Economic Management Support Center to provide management support services to selected agencies of the Department of Agriculture, \$3,006,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 shall be available for employment under 5 U.S.C. 3109.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$10,000, for employment under 5 U.S.C. 3109, \$20,204,000, and in addition, \$8,231,000 shall be derived by transfer from the appropriation, "Food Stamp Program" and merged with this appropriation. Funds, transfer.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses, including payment of fees or dues for the use of law libraries by attorneys in the field service, \$9,450,000.

FEDERAL GRAIN INSPECTION SERVICE

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 for employment under 5 U.S.C. 3109, \$11,000,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further*, That none of the funds provided by this act may be used to pay the salaries of any person or persons who require non-export, non-terminal interior elevators to maintain records not involving official inspection or official weighing in the United States under Public Law 94-582 other than those necessary to fulfill the purposes of such act. 7 USC 71.
7 USC 1621 note.
7 USC 71 note.

AGRICULTURAL RESEARCH SERVICE

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, except that the foregoing limitation shall not apply to the acquisition of lands for the United States Pecan Field Station at Brownwood, Texas, \$324,859,000: *Provided*, That appropriations hereunder shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance 7 USC 2254.

Construction
costs.
7 USC 2254.

of aircraft and the purchase of not to exceed one for replacement only and for the acquisition without cost of not to exceed one to be obtained by transfer: *Provided further*, That of the appropriations hereunder, not less than \$10,526,600 shall be available to conduct marketing research: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but, unless otherwise provided, the cost of constructing any one building (except greenhouses) shall not exceed \$65,000, except for eight buildings to be constructed or improved at a cost not to exceed \$125,000 each, and the cost of altering any one building during the fiscal year shall not exceed 8.5 per centum of the current replacement value of the building: *Provided further*, That \$8,975,000 of this appropriation shall remain available until expended for plans, construction, and improvement of facilities without regard to the foregoing limitation: *Provided further*, That the limitations on alterations contained in this Act shall not apply to a total of \$100,000 for facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a).

Special fund.

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at research installations in the field, not more than \$2,000,000 of the amount appropriated under this head for the previous fiscal year may be used by the Administrator of the Agricultural Research Service in departmental research programs in the current fiscal year, the amount so used to be transferred to and merged with the appropriation otherwise available under "Agricultural Research Service".

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owed to or owned by the United States for market development research authorized by section 104(b) (1) and for agricultural and forestry research and other functions related thereto authorized by section 104(b) (3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b) (1), (3)), \$5,750,000: *Provided*, That this appropriation shall be available, in addition to other appropriations for these purposes, for payments in the foregoing currencies: *Provided further*, That funds appropriated herein shall be used for payments in such foreign currencies as the Department determines are needed, and can be used most effectively to carry out the purposes of this paragraph: *Provided further*, That not to exceed \$25,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b-c) necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to carry on services related to consumer protection; and to protect the environment, as authorized by law, \$441,204,000 of which \$2,500,000 shall be available for the control of outbreaks of insects, plant diseases

and animal diseases to the extent necessary to meet emergency conditions and \$4,460,000 may be for repayment to the Commodity Credit Corporation of advances (and interest thereon) made in accordance with authorities contained in the provisions of the appropriation items for the Animal and Plant Health Inspection Service in the Agriculture and Related Agencies Appropriation Act, 1976: *Provided*, That \$1,000,000 of the funds for control of the fire ant shall be placed in reserve for matching purposes with States which may come into the program: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by any State of at least 40 per centum: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$60,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That this appropriation shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but, unless otherwise provided, the cost of constructing any one building shall not exceed \$62,500, except for three buildings to be constructed or improved at a cost of not to exceed \$120,000 each, and the cost of altering any one building during the fiscal year shall not exceed 8.5 per centum of the current replacement value of the building: *Provided further*, That this appropriation shall be available for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, except for purchase of land for an Animal Holding and Testing Facility at Ames, Iowa: *Provided further*, That, in addition, in emergencies which threaten the livestock or poultry industries of the country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pest and similar diseases in poultry, and for expenses in accordance with the Act of February 28, 1947, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts.

89 Stat. 644.

Aircraft.

Construction costs.

Land acquisition.

Funds, transfer.

21 USC 129.

21 USC 114b.

COOPERATIVE STATE RESEARCH SERVICE

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including \$109,066,000 to carry into effect the provisions of the Hatch Act, approved March 2, 1887, as amended by the Act approved August 11, 1955 (7 U.S.C. 361a-361i), and further amended by Public Law 92-318 approved June 23, 1972, and further amended by Public Law 93-471 approved October 26, 1974, including administration by the United States Department of Agriculture, and penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended; \$9,500,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a-582a-7), as amended by Public Law 92-318 approved June 23, 1972; \$21,388,000, in addition to funds otherwise available, for contracts and grants for scientific research under the Act of August 4, 1965 (7

20 USC 1001
note.
D.C. Code
31-1701 note.
7 USC 361f.
Grants.

U.S.C. 450i); \$1,500,000 for Rural Development Research as authorized under the Rural Development Act of 1972, as amended (7 U.S.C. 2661-2668), including administrative expenses; and \$1,696,000 for necessary expenses of the Cooperative State Research Service, including administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 for employment under 5 U.S.C. 3109; in all, \$143,150,000.

EXTENSION SERVICE

86 Stat. 350.
7 USC 343.

Payments to States, Puerto Rico, Guam, and the Virgin Islands: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962 (7 U.S.C. 341-349), and section 506 of the Act of June 23, 1972, to be distributed under sections 3(b) and 3(c) of the Act, for retirement and employees' compensation costs for extension agents, and for costs of penalty mail for cooperative extension agents and State extension directors, \$176,031,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$50,560,000; payments for the urban gardening programs under section 3(d) of the Act, \$3,000,000; payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326, 328) and Tuskegee Institute under section 3(d) of the Act, \$9,333,000; payments for rural development work under section 3(d) of the Act, \$1,000,000; payments for the pest management program under section 3(d) of the Act, \$4,435,000; payments for the farm safety program under section 3(d) of the Act, \$1,020,000; payments for the pesticide impact assessment program under section 3(d) of the Act, \$735,000; and payments for extension work under section 208(c) of Public Law 93-471, \$910,000; payments under section 5 of the Farmer-to-Consumer Direct Marketing Act of 1976, \$1,500,000; and \$2,500,000 for Rural Development Education as authorized under the Rural Development Act of 1972 (7 U.S.C. 2661-2668); in all, \$251,024,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, Puerto Rico, Guam, or the Virgin Islands prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

D.C. Code
31-1718.
7 USC 3004.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962 (7 U.S.C. 341-349), and section 506 of the Act of June 23, 1972, and section 208(d) of Public Law 93-471, and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, \$6,197,000.

NATIONAL AGRICULTURAL LIBRARY

For necessary expenses of the National Agricultural Library, \$6,877,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed \$100,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements.

STATISTICAL REPORTING SERVICE

For necessary expenses of the Statistical Reporting Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, \$36,996,000: *Provided*, That no part of the funds herein appropriated shall be available for any expense incident to publishing estimates of apple production for other than the commercial crop: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109.

7 USC 411b.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, cost and returns in farming, and farm finance; and for analyses of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products; \$29,864,000, of which not less than \$200,000 shall be available for investigation, determination and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said administrator, other agencies or before the courts: *Provided*, That not less than \$350,000 of the funds contained in this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not less than \$145,000 of the funds contained in this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

Study.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, and regulatory programs, other than Packers and Stockyards Act, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic

7 USC 181.

Building repair. Act of 1944 (7 U.S.C. 2225), and not to exceed \$45,000 for employment under 5 U.S.C. 3109, \$46,484,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed \$7,500 or 7.5 per centum of the cost of the building, whichever is greater.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,600,000.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$4,443,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

16 USC 742a note.
7 USC 674 note.
7 USC 1911 note.

PACKERS AND STOCKYARDS ADMINISTRATION

For necessary expenses for administration of the Packers and Stockyards Act, as authorized by law, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$5,000 for employment under 5 U.S.C. 3109, \$6,252,000.

7 USC 181.

FARMER COOPERATIVE SERVICE

For necessary expenses to carry out the Act of July 2, 1926 (7 U.S.C. 451-457), and for conducting research relating to the economic and marketing aspects of farmer cooperatives, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), \$3,370,000.

FARM INCOME STABILIZATION

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301-1393); sections 7 to 15, 16(a), 16(b), 16(d), 16(e), 16(f), 16(i), and 17 of the Soil Conservation and Domestic Allotment Act, as amended and supplemented (16 U.S.C. 590g-590q); sections 1001 to 1010 of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501 to 1510); the Water Bank Act (16 U.S.C. 1301-1311); and laws pertaining to the Commodity Credit Corporation,

\$161,838,000: *Provided*, That, in addition, not to exceed \$76,415,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund (including not to exceed \$34,216,000 under the limitation on Commodity Credit Corporation administrative expenses): *Provided further*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this appropriation: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds appropriated or made available under this act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

Funds, transfer.

16 USC 590h.

DAIRY AND BEEKEEPER INDEMNITY PROGRAMS

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and to beekeepers who through no fault of their own have suffered losses as a result of the use of economic poisons which had been registered and approved for use by the Federal Government, \$4,050,000: *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government.

CORPORATIONS

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided:

Contracts.
15 USC 713a-10.

31 USC 849.

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, \$12,000,000.

FEDERAL CROP INSURANCE CORPORATION FUND

Not to exceed \$11,413,000 of administrative and operating expenses may be paid from premium income.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

To reimburse the Commodity Credit Corporation for net realized losses sustained in prior years, but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), \$524,342,000.

LIMITATION ON ADMINISTRATIVE EXPENSES

- 15 USC 713a-10. Not to exceed \$39,800,000 shall be available for administrative expenses of the Commodity Credit Corporation: *Provided*, That this authorization shall be available to support the Office of the General Sales Manager which shall work to expand and strengthen sales of U.S. commodities in world markets (including those of the Corporation) pursuant to existing authority (including that contained in the Corporation's charter), and that such funds shall be used by the General Sales Manager to carry out the above activities. The General Sales Manager shall report directly to the Board of Directors of the Corporation of which the Secretary of Agriculture is a member. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered and shall submit quarterly reports to the appropriate committees of Congress concerning such developments: *Provided further*, That not less than 7 per centum of this authorization shall be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof.
- Report.
- Reports to congressional committees.
- 31 USC 665.
- Land acquisition.

TITLE II—RURAL DEVELOPMENT PROGRAMS

RURAL DEVELOPMENT ASSISTANCE

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

- 42 USC 1487. For direct loans and related advances pursuant to section 517(m) of the Housing Act of 1949, as amended, \$15,000,000 shall be available from funds in the rural housing insurance fund, and for insured loans as authorized by title V of the Housing Act of 1949, as amended, \$3,379,000,000, of which not less than \$2,330,000,000 shall be available for subsidized interest loans to low-income borrowers as determined by the Secretary: *Provided*, That unsubsidized interest guaranteed loans of not to exceed \$900,000,000 shall be in addition to these amounts.
- 42 USC 1471.

For an additional amount to reimburse the rural housing insurance fund for losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of title V of the Housing Act

of 1949, as amended (42 U.S.C. 1483, 1487e, and 1490a(c)), including \$70,351,000 as authorized by section 521(c) of the Act, \$327,402,000, and not to exceed \$17,000,000 in fiscal year 1978 to carry out a rental assistance program under section 521(a)(2) of the Housing Act of 1949, as amended. 42 USC 1490a.

AGRICULTURAL CREDIT INSURANCE FUND

For an additional amount to reimburse the agricultural credit insurance fund for losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), \$164,735,000.

Loans may be insured, or made to be sold and insured, under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928-1929, as follows: real estate loans, \$620,000,000, including not less than \$550,000,000 for farm ownership loans; and not less than \$54,000,000 for water development, use, and conservation loans; operating loans, \$825,000,000; and emergency loans in amounts necessary to meet the needs resulting from natural disasters. Loans.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), \$250,000,000 to remain available until expended, pursuant to section 306(d) of the above Act.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the elderly pursuant to section 504 of the Housing Act of 1949, as amended, \$5,000,000. 42 USC 1474.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to public nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), \$7,500,000.

MUTUAL AND SELF-HELP HOUSING

For grants pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$9,000,000.

RURAL DEVELOPMENT INSURANCE FUND

For an additional amount to reimburse the rural development insurance fund for losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), \$75,547,000.

For loans to be insured, or made to be sold and insured, under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928 and 86 Stat. 661-664, as follows: water and sewer facility loans, \$750,000,000; industrial development loans, \$1,000,000,000; and community facility loans, \$250,000,000. Loans. 7 USC 1929a, 1931-1933.

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 404 of the Rural Development Act of 1972, as amended (7 U.S.C. 2654), \$3,500,000 to fund up to 50 per centum of the cost of organizing, training, and equipment for rural volunteer fire departments.

RURAL DEVELOPMENT PLANNING GRANTS

For rural development planning grants pursuant to section 306(a) (11) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926(a) (11)), \$5,000,000.

SALARIES AND EXPENSES

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-1992), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471-1490g); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440-444), for administering the loan program authorized by title IIIA of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended, and such other programs for which Farmers Home Administration has the responsibility for administering, \$185,184,000, together with not more than \$3,000,000 of the charges collected in connection with the insurance of loans as authorized by section 309(e) of the Consolidated Farm and Rural Development Act, as amended, and section 517(i) of the Housing Act of 1949, as amended, or in connection with charges made on borrowers under section 502(a) of the Housing Act of 1949, as amended: *Provided*, That, in addition, not to exceed \$500,000 of the funds available for the various programs administered by this agency may be transferred to this appropriation for temporary field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), to meet unusual or heavy workload increases: *Provided further*, That not to exceed \$1,000,000 of this appropriation may be used for employment under 5 U.S.C. 3109.

42 USC 2841.

7 USC 1929.

42 USC 1487.

42 USC 1472.

RURAL DEVELOPMENT GRANTS

For grants pursuant to section 310B(c) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1932), \$10,000,000.

RURAL DEVELOPMENT SERVICE

For necessary expenses, not otherwise provided for, of the Rural Development Service in providing leadership, coordination, and related services in carrying out the rural development activities of the Department of Agriculture, \$1,663,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$3,000 shall be available for employment under 5 U.S.C. 3109.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND LOAN
AUTHORIZATIONS

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: rural electrification loans, not less than \$750,000,000, nor more than \$900,000,000, and rural telephone loans, not less than \$250,000,000, to remain available until expended: *Provided*, That loans made pursuant to section 306 of that Act are in addition to these amounts. 7 USC 936.

RURAL TELEPHONE BANK

For the purchase of Class A stock of the Rural Telephone Bank, \$30,000,000, to remain available until expended (7 U.S.C. 901-950(b)).

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. 31 USC 849.

SALARIES AND EXPENSES

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), including not to exceed \$500 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$150,000 for employment under 5 U.S.C. 3109, \$22,567,000.

CONSERVATION

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-590f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant material centers; classification and mapping of soil; dissemination of information; purchase and erection or alteration of permanent buildings; and operation and maintenance of aircraft, to remain available until expended, \$229,060,000: *Provided*, That the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed \$5,000, except for one building to be constructed at a cost not to 16 USC 590e-1.

exceed \$50,000 and eight buildings to be constructed or improved at a cost not to exceed \$30,000 per building and except that alterations or improvements to other existing permanent buildings costing \$5,000 or more may be made in any fiscal year in an amount not to exceed \$1,000 per building: *Provided further*, That no part of this appropriation shall be available for the construction of any such building on land not owned by the Government: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a-590f) in demonstration projects: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed \$25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service: *Provided further*, That, not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

16 USC 590e-2.

16 USC 1531
note.

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigations, and surveys of the watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1006-1009), to remain available until expended, \$15,506,000: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001-1008), to remain available until expended, \$11,847,000: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1001-1005, 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$156,492,000 (of which \$26,044,000 shall be available for the watersheds authorized under the Flood Control Act, approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section

706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That \$23,400,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (86 Stat. 663). Loans.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development, and for sound land use, pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), \$31,033,000: *Provided*, That \$3,600,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (86 Stat. 663): *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109. Loans.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), \$21,704,000, to remain available until expended.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g-590o, 590p(a), and 590q), and sections 1001-1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501-1508, and 1510), and including not to exceed \$15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, \$190,000,000, of which \$25,000,000 shall be available immediately upon enactment, for compliance with the programs of soil-building and soil- and water-conserving practices authorized under this head in the Agriculture and Related Agencies Appropriation Act, 1977, entered into during the period October 1, 1976, to December 31, 1977, inclusive: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetland Types 3(III), 4(IV), and 5(V) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That necessary amounts shall be available for administrative expenses in connection with the formulation and administration of the 1978 program of soil-building and soil- and water-conserving practices, including related wildlife conserving practices, and pollution abatement 90 Stat. 864.

16 USC 590g.

practices, under the Act of February 29, 1936, as amended (amounting to \$190,000,000, excluding administration, except that no participant in the Agricultural Conservation Program shall receive more than \$2,500, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community): *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation material, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved 1970 farming practices to be selected by the county committees under programs provided for herein: *Provided further*, That no part of the funds in this Act may be used to obtain or require submission of information from participants in this program not required in carrying out the 1970 program: *Provided further*, That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program \$2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18 U.S.C. 1913, to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels: *Provided further*, That for an additional amount to carry out the Agricultural Conservation Program, \$50,000,000, to be immediately available upon enactment, to incur obligations for the period ending September 30, 1977, and to liquidate such obligations for soil and water conserving practices in major drought or flood damaged areas as designated by the President or the Secretary of Agriculture: *Provided further*, That, not to exceed 5 per centum of the amount herein may be withheld with the approval of the State committee and allotted to the Soil Conservation Service for services of its technicians in the designated drought or flood damaged areas.

53 Stat. 1147.

Drought or flood areas.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in sections 1009 and 1010 of the Agricultural Act of 1970, as added by the Agriculture and

Consumer Protection Act of 1973 (16 U.S.C. 1509-1510), including technical assistance and related expenses, \$15,000,000.

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301-1311), \$10,000,000, to remain available until expended.

EMERGENCY CONSERVATION MEASURES

For emergency conservation measures, to be used for the same purposes and subject to the same conditions as funds appropriated under this head in the Third Supplemental Appropriations Act, 1957, \$10,000,000, with which shall be merged the unexpended balances of funds heretofore appropriated for emergency conservation measures.

71 Stat. 176.

TITLE III—DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For necessary expenses to carry out the provisions of the National School Lunch Act, as amended (42 U.S.C. 1751-1761, and 1766), and the applicable provisions other than section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1773-1785, and 1787); \$2,422,901,000, of which \$934,557,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) : *Provided*, That of the foregoing total amount there shall be available \$28,000,000 for the nonfood assistance program, \$1,000,000 for nutrition education projects pursuant to section 18 of the Child Nutrition Act of 1966 (42 U.S.C. 1787), and \$13,675,000 for the State administrative expenses: *Provided further*, That funds provided herein shall remain available until expended in accordance with section 3 of the National School Lunch Act, as amended: *Provided further*, That an additional \$80,000,000 shall be transferred to this appropriation from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), for purchase and distribution of agricultural commodities and other foods pursuant to section 6 of the National School Lunch Act, as amended.

Funds, transfer.

42 USC 1752.
Funds, transfer.

42 USC 1755.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the provisions of the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1772), \$155,000,000.

SPECIAL SUPPLEMENTAL FOOD PROGRAM (WIC)

For necessary expenses to carry out the provisions of the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1786), \$247,000,000: *Provided*, That funds provided herein shall remain available until expended in accordance with section 3 of the National School Lunch Act, as amended.

42 USC 1752.

FOOD STAMP PROGRAM

- For necessary expenses of the food stamp program pursuant to the Food Stamp Act of 1964, as amended, \$5,627,000,000: *Provided*, That funds provided herein shall remain available until expended in accordance with section 16 of the Food Stamp Act of 1964, as amended: *Provided further*, That no part of the funds appropriated by this Act shall be used during the fiscal year ending September 30, 1978, to make food stamps available to any household, to the extent that the entitlement otherwise available to such household is attributable to an individual who: (i) has reached his eighteenth birthday; (ii) is enrolled in an institution of higher education; and (iii) is properly claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household: *Provided further*, That funds provided herein shall be expended in accordance with section 15(b) of the Food Stamp Act of 1964, as amended: *Provided further*, That not less than 7 per centum of this authorization shall be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations.
- 7 USC 2011 note. 7 USC 2025. Availability to certain households, prohibition. 7 USC 2024. 31 USC 665.

FOOD DONATIONS PROGRAM

For necessary expenses to carry out the provisions of section 4(a) of the Agriculture and Consumer Protection Act of 1973, as amended (7 U.S.C. 612c (note)), \$31,400,000, of which \$17,600,000 shall be available for the Commodity Supplemental Food Program without regard to whether an area is under the Food Stamp Program.

ELDERLY FEEDING PROGRAM

For necessary expenses to carry out the provisions of section 707 of the Older Americans Act of 1965, as amended (42 U.S.C. 3045f), \$30,000,000.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the Domestic Food Programs funded under this Act, \$64,951,000 to remain available until expended: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE IV—INTERNATIONAL PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses for the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$47,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766),

\$45,665,000: *Provided*, That not less than \$255,000 of the funds contained in this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

PUBLIC LAW 480

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1701-1711, 1721-1726, 1731-1736d), as follows: (1) sale of agricultural commodities for foreign currencies and for dollars on credit terms pursuant to title I of said Act, \$276,865,000 and (2) commodities supplied in connection with dispositions abroad, pursuant to title II of said Act, \$646,020,000.

7 USC 1701.

7 USC 1721.

TITLE V—RELATED AGENCIES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Food and Drug Administration; for payment of salaries and expenses for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed \$10,000; \$276,243,000.

5 USC 5332 note.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$6,665,000.

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.) including the purchase and hire of passenger motor vehicles; the rental of space in the District of Columbia and elsewhere; and not to exceed \$125,000 for employment under 5 U.S.C. 3109, \$13,196,000: *Provided*, That not to exceed \$1,000 shall be available for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$9,509,000 (from assessments collected from farm credit agencies) shall be obligated during the current fiscal year for administrative expenses, including the hire of one passenger motor vehicle.

TITLE VI—GENERAL PROVISIONS

- Passenger motor vehicles.** SEC. 601. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1978 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed eight hundred forty-seven (847) passenger motor vehicles, of which six hundred thirty-six (636) shall be for replacement only, and for the hire of such vehicles.
- Uniforms.** SEC. 602. Funds available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).
- Contracts.**
7 USC 1623a. SEC. 603. Not less than \$1,500,000 of the appropriations of the Department of Agriculture for research and service work authorized by the Acts of August 14, 1946, July 28, 1954, and September 6, 1958 (7 U.S.C. 427, 1621-1629; 42 U.S.C. 1891-1893), shall be available for contracting in accordance with said Acts.
- Marihuana.** SEC. 604. No part of the funds contained in this Act may be used to make production or other payments to a person, persons, or corporations who harvest or knowingly permit to be harvested for illegal use, marihuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.
- Advance funds.** SEC. 605. Advances of money from any appropriation for the Department of Agriculture may be made by authority of the Secretary of Agriculture to chiefs of field parties.
- Certain salary payments, prohibition.**
7 USC 2119. SEC. 606. None of the funds provided by this Act shall be used to pay the salaries of any person or persons who carry out the provisions of section 610 of the Agricultural Act of 1970, which provides for the transfer of funds to Cotton Incorporated.
- Working Capital Fund.** SEC. 607. Obligations chargeable against the Working Capital Fund during the period October 1, 1977, through September 30, 1978, shall not exceed \$54,000,000: *Provided*, That no funds appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.
- 68 Stat. 454.** SEC. 608. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Scientific Activities Overseas (Special Foreign Currency Program); Public Law 480; Rural Housing for Domestic Farm Labor; Mutual and Self-Help Housing; Watershed and Flood Prevention Operations; Resource Conservation and Development; Forestry Incentives Program; Emergency Conservation Measures; Buildings and Facilities, Food and Drug Administration; and the appropriation to liquidate contract authorizations for the Agricultural Conservation Program.
- Program-reducing employment ceilings.** SEC. 609. (A) None of the funds provided in this Act may be used to reduce programs by establishing an end-of-year employment ceiling on permanent positions below the level set herein for the following agencies: Farmers Home Administration, 7,440; Agricultural Stabilization and Conservation Service, 2,473; and Soil Conservation Service, 13,955.
- Funds, transfer.** (B) The Secretary of Agriculture is authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided for "Domestic Food Programs" in this Act: *Provided*, That such transferred balances shall be available only for the same purposes, and for the same periods of time, for which they were originally appropriated.

SEC. 610. None of the funds contained in this Act shall be used by any State Committee to prevent any County Committee from authorizing the use of any funds for any nationally authorized program of the Agricultural Conservation Program.

County committee authority.

SEC. 611. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Fiscal year limitation.

SEC. 612. Not to exceed \$50,000 of the appropriations available to the Department of Agriculture shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

Language training.

SEC. 613. Notwithstanding any other provision of law, employees of the agencies of the Department of Agriculture, including employees of the Agricultural Stabilization and Conservation County Committees, may be utilized to provide part-time and intermittent assistance to other agencies of the Department, without reimbursement, during periods when they are not otherwise fully utilized.

90 Stat. 1500.
Part-time and intermittent assistance.

Approved August 12, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-384 (Comm. on Appropriations) and No. 95-520 (Comm. of Conference).

SENATE REPORT No. 95-296 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 20, 21, considered and passed House.

June 29, considered and passed Senate, amended.

July 27, House agreed to conference report; concurred in certain Senate amendments and in others with amendments.

July 29, Senate agreed to conference report; concurred in House amendments.

Public Law 95-98
95th Congress

An Act

Aug. 15, 1977
[H.R. 1952]

To amend the corporate name of AMVETS (American Veterans of World War II), and for other purposes.

AMVETS.
Corporate name,
amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section and sections 2, 8, 17, 18, and 19 of the Act entitled "An Act to incorporate the AMVETS, American Veterans of World War II", approved July 23, 1947 (61 Stat. 403-408; 36 U.S.C. 67-67s), are each amended by striking out "World War II" wherever it appears and inserting in lieu thereof "World War II, Korea, and Vietnam)".

(b) Such Act of July 23, 1947, is further amended—

36 USC 67b.

(1) by inserting immediately after "World War II" in section 3(2) the following: ", the Korean conflict, and the Vietnam era";

36 USC 67e.

(2) by striking out "on or after September 16, 1940, and on or before the date of cessation of hostilities as determined by the Government of the United States," in the first sentence of section 6 and inserting in lieu thereof "at any time after September 15, 1940, and before May 8, 1975,"; and

36 USC 67h.

(3) by striking out the period after "World War II" in section 9 and inserting in lieu thereof ", the Korean conflict and the Vietnam era."

Effective date.
36 USC 67 note.

SEC. 2. The amendments made by the first section of this Act shall take effect on the first day of the second calendar month following the date of enactment of this Act.

Approved August 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-278 (Comm. on the Judiciary).
SENATE REPORT No. 95-376 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 123 (1977):
May 16, considered and passed House.
Aug. 4, considered and passed Senate.

Public Law 95-99
95th Congress

An Act

To authorize appropriations for activities of the National Science Foundation, and for other purposes.

Aug. 15, 1977
[H.R. 4991]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Science Foundation Authorization Act, Fiscal Year 1978".

SEC. 2. (a) There is authorized to be appropriated to the National Science Foundation \$879,350,000 for the fiscal year 1978.

(b) Funds authorized under subsection (a) shall be available for the following categories:

- (1) Mathematical and Physical Sciences and Engineering, \$246,500,000.
- (2) Astronomical, Atmospheric, Earth, and Ocean Sciences, \$210,500,000.
- (3) United States Antarctic Research Program, \$47,475,000.
- (4) Biological, Behavioral, and Social Sciences, \$142,500,000.
- (5) Basic Research Stability Grants, \$4,500,000, or 2 per centum of the funds available for categories (1), (2), and (4) of this subsection, whichever is less.
- (6) Science Education Programs, \$83,300,000.
- (7) Research Applied to National Needs, \$75,850,000.
- (8) Scientific, Technological, and International Affairs, \$20,900,000.
- (9) Program Development and Management, \$47,825,000.

SEC. 3. (a) Notwithstanding any other provision of this or any other Act, of the total amount authorized under section 2(b) (6)—

- (1) \$11,900,000 shall be available for Graduate Fellowships;
- (2) \$1,200,000 shall be available for the program "Continuing Education for Scientists and Engineers";
- (3) \$3,000,000 shall be available for the program "Resource Center for Science and Engineering";
- (4) \$2,500,000 shall be available for the program "Minorities, Women, and the Handicapped in Science";
- (5) \$1,800,000 shall be available for the program "Science for Citizens";
- (6) \$2,600,000 shall be available for the program "Public Understanding of Science";
- (7) \$1,400,000 shall be available for the program "Ethics and Values in Science and Technology";
- (8) \$500,000 shall be available for a comprehensive assessment of science education in two-year colleges;
- (9) \$14,500,000 shall be available for the program "Comprehensive Assistance to Undergraduate Science Education"; and
- (10) \$6,000,000 shall be available for the program "Pre-College Teacher Development".

(b) Notwithstanding any other provision of this or any other Act, \$4,000,000 shall be available for the program "Policy Research and Analysis" authorized under section 2(b) (8).

National Science
Foundation
Authorization
Act, Fiscal year
1978.
42 USC 1861
note.

Urban and
human services
problems.

(c) Of the appropriations made pursuant to section 2(b)(7), not less than 25 per centum shall be available for "Applied Social Research" and for "Policy-related Scientific Research" directed toward increasing the cost-effectiveness of policies and programs dealing with urban and human service problems at the Federal, State, and local government levels, including use of such funds to identify, analyze, and contribute knowledge to improve productivity in the public sector, to identify, analyze, and evaluate more effective, efficient, and equitable ways of delivering human services, and to develop the data base and analytical techniques required for improving applied research on municipal systems and human service delivery.

Cooperative
research projects.

SEC. 4. (a) From funds authorized under section 2(b)(1), (2), and (4) the National Science Foundation is authorized to increase support for cooperative research projects involving researchers from the industrial and academic sectors.

Small business
concerns.

(b) Notwithstanding any other provision of this or any other Act, not less than 12.5 per centum of the amount provided under section 2(b)(7) shall be available for small business concerns.

Bilateral and
multilateral
research
programs.

(c) In the use of the funds made available pursuant to section 2(b)(8) for "International Cooperative Scientific Activities", emphasis shall be placed on bilateral and multilateral research and exchange programs, particularly programs involving Western Europe and neighboring countries in the Western Hemisphere. The Director of the National Science Foundation shall consult with the Director of the Office of Science and Technology Policy, the Secretary of State, and other appropriate officials to assure that the programs carried out under this subsection are consistent with the international scientific and foreign policy objectives of the United States.

Science and
technology.
42 USC 1862
note.

SEC. 5. (a) From the funds authorized under the program "Science and Society", the National Science Foundation is authorized to provide support which is designed to—

(1) improve public understanding of public policy issues involving science and technology;

(2) facilitate the participation of qualified scientists and engineers and of undergraduate and graduate students in public activities aimed at the resolution of public policy issues having significant scientific and technical aspects; and

(3) assist nonprofit, citizens, and bona fide public interest groups to acquire necessary scientific and technical expertise in order to improve their comprehension of scientific and technical aspects of public policy issues.

(b) Awards made pursuant to this section shall, to the extent feasible, include support for—

(1) qualified scientists and engineers to work on public policy issues with significant scientific and technical components in conjunction with units of State and local government, nonprofit organizations, or bona fide public interest groups;

(2) internship programs for science and engineering undergraduate or graduate students to work on public policy issues with significant scientific and technical components in conjunction with units of State and local government, nonprofit organizations, or bona fide public interest groups as part of their academic training;

(3) forums, conferences, and workshops on public policy issues with significant scientific and technical components;

(4) training in the presentation of scientific and technical studies in a manner which (A) improves public understanding of

the ways in which science and technology influence contemporary life, (B) improves public access to the results of scientific and technical research, (C) encourages and facilitates interaction between laypersons and scientists on public issues with important scientific and technological components, and (D) increases public knowledge and understanding of the ethical and value implications of scientific and technological developments;

(5) new and existing programs using radio or television to increase public understanding of public policy issues with significant scientific and technical components; and

(6) bona fide public interest groups to acquire necessary scientific and technical expertise relating to the scientific and technical aspects of public policy issues and to enable such groups to bring together in appropriate forums experts whose research has been directed to the resolution of such issues.

SEC. 6. (a) The National Science Foundation shall establish a Resource Center for Science and Engineering to be located at an educational institution which—

Resource Center
for Science and
Engineering.
Establishment.
42 USC 1884.

(1) enrolls substantial numbers of minority students, students from low-income families, or both;

(2) is geographically located near one or more population centers of low-income families or minority groups;

(3) demonstrates a commitment to encouraging and assisting minority students or students from low-income families, or both; and

(4) has an existing or developing capacity to offer doctoral programs in science and engineering.

(b) The Center established under this section shall—

(1) support basic research and the acquisition of necessary research facilities and equipment;

(2) serve as a regional resource in science and engineering for the community which the Center serves; and

(3) develop joint educational programs with nearby pre-college and undergraduate institutions which enroll a substantial number of minority students or students from low-income families.

SEC. 7. In addition to such sums as are authorized by section 2, not to exceed \$4,900,000 is authorized to be appropriated for the fiscal year 1978 for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

Foreign
currencies.

SEC. 8. Appropriations made pursuant to this Act may be used, but not to exceed \$5,000, for official consultation, representation, or other extraordinary expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

Extraordinary
expenses.

SEC. 9. The National Science Foundation is directed to issue instructions to grantees for pre-college curriculum projects covering the protection of pre-college students and procedures for involving such students in pre-college education research and development, pilot-testing, evaluation, and revision of experimental and innovative pre-college curriculum projects funded by the Foundation. These instructions shall require such grantees to obtain written approval of the school board or comparable authority responsible for the schools prior to the involvement of such students.

Pre-college
curriculum
projects.
42 USC 1869b.

Financial or other
interest
statements.
42 USC 1873a.

Availability to
public.
Penalty.

Standards,
publication.

Report to
Congress.

Funds, transfer,
limitation.

Report to
Speaker of the
House, President
of the Senate, and
congressional
committees.

SEC. 10. (a) (1) Each officer or employee of the National Science Foundation who performs a decisionmaking function in the handling of any application or proposal for a grant from or contract with the Foundation shall provide a written statement for the record identifying (in accordance with the standards promulgated under subsection (b)) any financial interest or other relevant interest he or she has in the person submitting the application or proposal and any academic affiliation he or she has with that person. If the application or proposal results in an award, the statement shall be made available to the public.

(2) The Director shall remove or take other appropriate disciplinary action against any employee who knowingly violates the requirements of this subsection.

(b) (1) Within 60 days after the date of the enactment of this Act, the Director of the National Science Foundation shall publish—

(A) proposed standards to implement the requirements of subsection (a), designed to minimize conflicts of interest and to assure that the appropriate files of the Foundation relating to any grant or contract referred to in such subsection contain a statement of any financial or other relevant interest which any of the officers and employees involved may have in the person or institution applying for or proposing the grant or contract as well as any academic affiliation which any of such officers and employees may have with such person or institution; and

(B) proposed standards appropriately requiring identification of any conflicts of interest by peer reviewers.

(2) Within 120 days after the date of the enactment of this Act, the Director shall promulgate the standards published under paragraph (1), with such modifications as the Director may deem appropriate; and such standards shall take effect upon their promulgation.

(c) The Director shall report annually to the Congress on the administration and enforcement of this section.

(d) If the President issues an Executive order that requires financial disclosure by officers and employees of Federal agencies generally, only so much of this section as relates to peer reviewers and to academic affiliations of officers and employees shall remain effective.

SEC. 11. Appropriations made pursuant to this Act shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in the Acts making such appropriations.

SEC. 12. No funds may be transferred from any particular category listed in section 2 to any other category or categories listed in such section if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in section 2 from any other category or categories listed in such section if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Director of the National Science Foundation or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Human Resources of the Senate a written report containing a full and complete statement concerning the nature of the transfer and the reason therefor, or

(2) each such committee before the expiration of such period has transmitted to the Director written notice to the effect that such committee has no objection to the proposed action.

SEC. 13. Notwithstanding any other provision of this or any other Act, the Director of the National Science Foundation shall keep the Committee on Science and Technology of the House of Representatives and the Committee on Human Resources of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

SEC. 14. (a) Section 3(e) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(e)) is amended by striking out "one of the objectives" and inserting in lieu thereof "an objective".

(b) Section 4 of such Act (42 U.S.C. 1863) is amended by adding at the end thereof the following new subsection:

"(j) The Board shall render an annual report to the President, for submission to the Congress on or before March 31 in each year. Such report shall deal essentially, though not necessarily exclusively, with policy issues or matters which affect the Foundation or with which the Board in its official role as the policymaking body of the Foundation is concerned."

(c) Section 14(d) of such Act (42 U.S.C. 1873(d)) is amended to read as follows:

"(d) The members of the Board and the members of each special commission shall receive compensation for each day engaged in the business of the Foundation at a rate fixed by the Chairman but not exceeding the rate specified for the daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, and shall be allowed travel expenses as authorized by section 5703 of title 5, United States Code."

Notice to congressional committees.

42 USC 1882.

Report to President, submittal to Congress.

Compensation.

5 USC 5332 note.

Approved August 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-98 (Comm. on Science and Technology) and No. 95-504 (Comm. of Conference).

SENATE REPORTS: No. 95-92 (Comm. on Human Resources) and 95-93 accompanying S. 855 (Comm. on Human Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 24, considered and passed House.

May 5, considered and passed Senate, amended, in lieu of S. 855.

Aug. 4, House agreed to conference report.

Aug. 5, Senate agreed to conference report.

Public Law 95-100
95th Congress

Joint Resolution

Aug. 15, 1977
[H.J. Res 372]

To authorize the President to issue a proclamation designating the week beginning on November 20, 1977, as "National Family Week".

Whereas the family is the basic strength of any free and orderly society; and

Whereas it is appropriate to honor the family as a unit essential to the continued well-being of the United States; and

Whereas it is fitting that official recognition be given to the importance of family loyalties and ties: Now, therefore, be it

National Family
Week.
Designation
authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week beginning on November 20, 1977, as "National Family Week" and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such day with appropriate ceremonies and activities.

Approved August 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-477 (Comm. on Post Office and Civil Service).

SENATE REPORT No. 95-378 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 123 (1977):

July 18, considered and passed House.

Aug. 4, considered and passed Senate.

Public Law 95-101
95th Congress

An Act

Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1978, and for other purposes.

Aug. 15, 1977
[H.R. 7589]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1978, for military construction functions administered by the Department of Defense, and for other purposes, namely:

Military
Construction
Appropriation
Act, 1978.

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Army as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, \$527,769,000, to remain available until expended.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$463,056,000, to remain available until expended.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Air Force as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, \$406,986,000, to remain available until expended.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, and facilities for activities and agencies of the Department of Defense (other than the military departments and the Defense Civil Preparedness Agency), as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, \$58,009,000, to remain available until expended; and, in addition, not to exceed \$20,000,000 to be derived by transfer from the appropriation "Research, development, test, and evaluation, Defense Agencies" as determined by the Secretary of Defense: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense

may be transferred to such appropriations of the Department of Defense available for military construction as he may designate.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

10 USC 2231. For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$49,400,000, to remain available until expended.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$43,300,000, to remain available until expended.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$50,500,000, to remain available until expended.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$21,700,000, to remain available until expended.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$11,200,000, to remain available until expended.

FAMILY HOUSING, DEFENSE

For expenses of family housing for the Army, Navy, Marine Corps, Air Force, and Defense agencies, for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation, maintenance, and debt payment, including leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$1,460,140,000, to be obligated and expended in the Family Housing Management Account established pursuant to section 501(a) of Public Law 87-554, in not to exceed the following amounts:

42 USC
1594a-1.

For the Navy and Marine Corps:

Construction, \$26,837,000, and in addition \$8,354,000 may be obligated and expended from appropriations heretofore made

to this account and made available for obligation and expenditure for the Army;
 For the Air Force:
 Construction, \$8,155,000;
 For Defense agencies:
 Construction, \$208,000;
 For Department of Defense:
 Debt payment, \$151,440,000;
 Operation, maintenance, \$1,265,000,000;
 Energy consumption metering, \$8,500,000:

Provided, That the amounts provided under this head for construction, for debt payment, and for energy consumption metering shall remain available until expended: *Provided further*, That of the amounts appropriated for operations and maintenance, not less than \$550,000,000 shall be available only for the maintenance of real property facilities.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754, as amended), 42 USC 3374.
 \$1,500,000.

GENERAL PROVISIONS

SEC. 101. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for construction authorized for each such department by the authorizations enacted into law during the first session of the Ninety-fifth Congress. Prior appropriations.

SEC. 102. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor. Contracts.

SEC. 103. None of the funds appropriated in this Act shall be expended for additional costs involved in expediting construction unless the Secretary of Defense certifies such costs to be necessary to protect the national interest and establishes a reasonable completion date for each project, taking into consideration the urgency of the requirement, the type and location of the project, the climatic and seasonal conditions affecting the construction, and the application of economical construction practices. Construction costs, expedition.

SEC. 104. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or drycleaning facility in the United States, its territories, or possessions, as to which the Secretary of Defense does not certify, in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates. Service facilities.

SEC. 105. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles. Motor vehicles, hire.

SEC. 106. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense. 31 USC 638f.
 Access roads, construction.
 31 USC 700b.

New bases.	SEC. 107. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.
Land purchases or easements.	SEC. 108. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Naval Facilities Engineering Command, except: (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than \$25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.
Foreign projects.	SEC. 109. None of the funds appropriated in this Act may be used to make payments under contracts for any project in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee, certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.
Family housing limitations.	SEC. 110. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.
Base realignment or closure activities.	SEC. 111. None of the funds appropriated or otherwise made available under this Act shall be obligated or expended in connection with any base realignment or closure activity, until all terms, conditions and requirements of the National Environmental Policy Act have been complied with, with respect to each such activity.
Short title.	This Act may be cited as the "Military Construction Appropriation Act, 1978".

Approved August 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-388 (Comm. on Appropriations) and No. 95-560 (Comm. of Conference).

SENATE REPORT No. 95-295 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 21, considered and passed House.

June 29, considered and passed Senate, amended.

Aug. 3, House agreed to conference report; concurred in Senate amendment with an amendment.

Aug. 5, Senate agreed to conference report; concurred in Senate amendment.

Public Law 95-102
95th Congress

An Act

To authorize appropriations for the Peace Corps for fiscal year 1978.

Aug. 15, 1977

[S. 1235]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That so much of section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) as precedes the first proviso is amended to read as follows: "There are authorized to be appropriated for the fiscal year 1978 not to exceed \$82,900,000 to carry out the purposes of this Act."

Peace Corps.
Appropriation
authorization,
fiscal year 1978.

SEC. 2. Section 3(c) of the Peace Corps Act (22 U.S.C. 2502(c)) is amended to read as follows:

"(c) In addition to the amount authorized to be appropriated by subsection (b) to carry out the purposes of this Act, there are authorized to be appropriated for the fiscal year 1978, \$1,000,000 for increases in salary, pay, retirement, or other employee benefits authorized by law."

SEC. 3. The amendments made by this Act shall take effect on October 1, 1977.

Effective date.
22 USC 2502
note.

Approved August 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-296 accompanying H.R. 6967 (Comm. on International Relations).

SENATE REPORT No. 95-168 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 26, considered and passed Senate.

June 1, considered and passed House, amended, in lieu of H.R. 6967.

Aug. 3, Senate concurred in House amendments with an amendment; House concurred in Senate amendment.

Public Law 95-103
95th Congress

An Act

Aug. 15, 1977

[S. 1377]

To amend the statute of limitations provisions in section 2415 of title 28, United States Code, relating to claims by the United States on behalf of Indians.

Indian claims.
Commencement
of actions.
Ante, p. 268.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the third proviso in section 2415(a) of title 28, United States Code, is amended by striking out "after August 18, 1977" and inserting in lieu thereof "after April 1, 1980".

(b) The proviso in section 2415(b) of title 28, United States Code, is amended by striking out "on or before August 18, 1977" and inserting in lieu thereof "on or before April 1, 1980".

Approved August 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-375 accompanying H.R. 5023 (Comm. on the Judiciary) and No. 95-505 (Comm. of Conference).

SENATE REPORT No. 95-236 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 27, considered and passed Senate.

July 11, H.R. 5023 considered in House.

July 12, considered and passed House, amended, in lieu of H.R. 5023.

Aug. 3, House agreed to conference report.

Aug. 4, Senate agreed to conference report.

Public Law 95-104
95th Congress

An Act

Authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, water conservation, recreation, hydroelectric power and other purposes.

Aug. 15, 1977

[S. 2001]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to previous authorizations there is hereby authorized to be appropriated for the prosecution of the comprehensive plans of development of the river basins under the jurisdiction of the Secretary of the Army referred to in the first column below, which was authorized by the Act referred to in the second column below, an amount not to exceed that shown opposite such river basin in the third column below:

River basin
plans.
Additional
appropriation
authorizations.

Basin	Act of Congress	Amount	
Brazos River Basin-----	Sept. 3, 1954 FCA 1954	\$7,500,000	
San Joaquin River Basin-----	Public Law 780, 83d Congress Dec. 22, 1944 FCA 1944	\$6,000,000	68 Stat. 1248.
	Public Law 534, 78th Congress		58 Stat. 900.

Approved August 15, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

Aug. 3, considered and passed Senate.

Aug. 4, considered and passed House.

Public Law 95-105
95th Congress

An Act

Aug. 17, 1977
[H.R. 6689]

To authorize fiscal year 1978 appropriations for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes.

Foreign Relations
Authorization
Act, Fiscal Year
1978.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Year 1978".

TITLE I—STATE DEPARTMENT

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) There are authorized to be appropriated for the Department of State for fiscal year 1978, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

- (1) For the "Administration of Foreign Affairs", \$762,005,000.
- (2) For "International Organizations and Conferences", \$389,412,000.
- (3) For "International Commissions", \$21,839,000.
- (4) For "Education Exchange", \$94,600,000.
- (5) For "Migration and Refugee Assistance", \$63,554,000.
- (6) For increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs, such amounts as may be necessary.

(b) Amounts appropriated under this section are authorized to remain available until expended.

TRANSFER AUTHORITY

SEC. 102. Funds authorized to be appropriated for fiscal year 1978 by any paragraph of section 101(a) (other than paragraph (6)) may be appropriated for such fiscal year for a purpose for which appropriations are authorized by any other paragraph of such section (other than paragraph (6)), except that the total amount appropriated for a purpose described in any paragraph of section 101(a) (other than paragraph (6)) may not exceed the amount specifically authorized for such purpose by section 101(a) by more than 10 per centum.

CONTRIBUTION TO THE WORLD HEALTH ORGANIZATION

SEC. 103. Notwithstanding the limitation contained in the proviso in the paragraph under the subheading "Contributions to International Organizations" in title I of the Act of October 25, 1972 (86 Stat. 1110), \$7,281,583 of the amount authorized to be appropriated by section 101(a) (2) of this Act may be used to pay the unpaid portion

of the United States assessed contributions to the World Health Organization for the calendar years 1974 through 1977.

ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

SEC. 104. Of the amount authorized to be appropriated by section 101(a)(5) of this Act, \$20,000,000 shall be available only for assistance for the resettlement in Israel of refugees from the Union of Soviet Socialist Republics and from Communist countries in Eastern Europe.

CONTRIBUTION TO THE INTERNATIONAL COMMITTEE OF THE RED CROSS

SEC. 105. (a) The Act entitled “An Act to authorize a contribution by the United States to the International Committee of the Red Cross”, approved October 1, 1965 (Public Law 89-230; 79 Stat. 901) is repealed. Repeal.

(b) Not to exceed \$1,000,000 shall be contributed annually by the United States to the International Committee of the Red Cross. Such sums as are necessary for this contribution shall be requested annually by the President and made available through the annual authorization and appropriation process.

FOREIGN SERVICE BUILDINGS

SEC. 106. (a) (1) Subsection (a) of the first section of the Foreign Service Buildings Act, 1926, is amended by striking out “pursuant to” in the first sentence and inserting in lieu thereof “to carry out”. 22 USC 292.

(2) Subsection (b) of such section is amended by striking out “under authority of” and inserting in lieu thereof “to carry out”.

(b) Section 6 of such Act is amended by striking out “of not less than ten years”. 22 USC 297.

STRENGTHENING EDUCATIONAL EXCHANGE PROGRAMS

SEC. 107. (a) The Congress finds that—

(1) for over thirty years the United States program for the international exchange of teachers and scholars, begun by the Act of August 1, 1946 (60 Stat. 754; known as the “Fulbright Act of 1946”), has contributed significantly to the free flow of knowledge and to greater understanding between the United States and other nations;

(2) it is in the interest of the United States that this program be strengthened; and

(3) a still stronger educational exchange program can be attained by—

(A) diversifying exchange opportunities so as to assist persons from professional and public life to spend time in an academic setting and to assist teachers and scholars to spend time in professional and other pursuits in the public arena;

(B) providing sharper focus to exchange activities by bringing selected grant recipients together for joint work on themes and problems identified as having current significance in international affairs; and

(C) lengthening the period of some scholarships to allow work by grant recipients to be phased over more than one location.

Report to Speaker of the House of Representatives and congressional committee.

(b) Not later than January 1, 1978, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on measures the Department of State has taken to strengthen educational exchange activities in accordance with subsection (a) of this section.

AMERICANS INCARCERATED ABROAD

22 USC
2151n-1.

Annual report to Speaker of the House and congressional committee.

SEC. 108. It is the sense of the Congress that the Secretary of State should make every effort to seek the early release of American citizens unjustifiably held in foreign jails, and that he should direct the appropriate consular officers to redouble their efforts for the protection and welfare of imprisoned American citizens abroad. Beginning February 15, 1978, the Secretary of State shall transmit annually to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on the number of American citizens in foreign jails, the charges against them, and what measures have been taken to assist these individuals, including his assessment of the performance of embassy and consular personnel in providing such assistance in each foreign country where American citizens are incarcerated.

ASSISTANT SECRETARIES OF STATE

Assistant Secretary of State for Human Rights and Humanitarian Affairs.
22 USC 2384.

SEC. 109. (a)(1)(A) Paragraph (1) of section 624(f) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(f)(1) There shall be in the Department of State an Assistant Secretary of State for Human Rights and Humanitarian Affairs who shall be responsible to the Secretary of State for matters pertaining to human rights and humanitarian affairs (including matters relating to refugees, prisoners of war, and members of the United States Armed Forces missing in action) in the conduct of foreign policy. The Secretary of State shall carry out his responsibility under section 502B of this Act through the Assistant Secretary."

Infra.

(B) Paragraph (2) of such section 624(f) is amended by striking out "Coordinator" and inserting in lieu thereof "Assistant Secretary of State".

22 USC 2151n.

(2) Section 116(c) of such Act is amended by striking out "Coordinator" in the text preceding paragraph (1) and inserting in lieu thereof "Assistant Secretary".

22 USC 2304.

(3) Section 502B of such Act is amended—

(A) in subsection (b) by striking out "Coordinator" in the first sentence and inserting in lieu thereof "Assistant Secretary of State"; and

(B) in subsection (c)(1) by striking out "Coordinator" in the text preceding subparagraph (A) and inserting in lieu thereof "Assistant Secretary of State".

22 USC 2314.

(4) Section 505(g)(4)(A) of such Act is amended by striking out "Coordinator" in the text preceding clause (i) and inserting in lieu thereof "Assistant Secretary of State".

22 USC 2755.

(5) Section 5(d)(1) of the Arms Export Control Act is amended by striking out "Coordinator" in the text preceding subparagraph (A) and inserting in lieu thereof "Assistant Secretary of State".

Coordinator for Human Rights and Humanitarian Affairs, assumption of duties.
22 USC 2384
note.

(6) The individual holding the position of Coordinator for Human Rights and Humanitarian Affairs on the date of enactment of this section shall assume the duties of the Assistant Secretary of State for Human Rights and Humanitarian Affairs and shall not be required to be reappointed by reason of the enactment of this section.

(7) Not later than January 31, 1978, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairmen of the Senate Committee on Foreign Relations and the Senate Committee on the Judiciary a comprehensive report on the Office of the Assistant Secretary for Human Rights and Humanitarian Affairs, including its current mandate and operations, the mandate and operations of its predecessor offices, and proposals for the reorganization of the Department of State that would strengthen human rights and humanitarian considerations in the conduct of United States foreign policy and promote the ability of the United States to participate effectively in international humanitarian efforts.

Report to Speaker of the House and congressional committee.
22 USC 2384 note.

(b)(1) Section 104 of the Immigration and Nationality Act (8 U.S.C. 1104) is amended—

(A) in subsection (a)(2), by striking out “Security and”;

(B) in subsection (b)—

(i) in the first sentence by striking out “Security and” and all that follows through “Assistant Secretary of State” and inserting in lieu thereof “Consular Affairs, to be headed by an Assistant Secretary of State for Consular Affairs”;

(ii) by striking out the second sentence; and

(iii) in the third sentence, by striking out “administrator” and inserting in lieu thereof “Assistant Secretary of State for Consular Affairs”;

(C) in subsection (d), by striking out “Security and”; and

(D) by repealing subsection (f).

Assistant Secretary of State for Consular Affairs.

Repeal.

(2) Section 105 of such Act is amended by striking out “administrator” both places it appears and inserting in lieu thereof “Assistant Secretary of State for Consular Affairs”.

8 USC 1105.

(3) Section 101(a)(1) of such Act is amended by striking out “administrator of the Bureau of Security and Consular Affairs of the Department of State” and inserting in lieu thereof “Assistant Secretary of State for Consular Affairs”.

8 USC 1101.

(4) The individual holding the position of administrator of the Bureau of Security and Consular Affairs on the date of enactment of this section shall assume the duties of the Assistant Secretary of State for Consular Affairs and shall not be required to be reappointed by reason of the enactment of this section.

8 USC 1104 note.

(5) Any reference in any law to the Bureau of Security and Consular Affairs or to the administrator of such Bureau shall be deemed to be a reference to the Bureau of Consular Affairs or to the Assistant Secretary of State for Consular Affairs, respectively.

(c) The first section of the Act entitled “An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes”, approved May 26, 1949 (22 U.S.C. 2652), is amended by striking out “eleven” and inserting in lieu thereof “thirteen”.

(d) Section 5315 of title 5, United States Code, is amended—

(1) by repealing paragraph (1); and

(2) by striking out “(11)” in paragraph (22) and inserting in lieu thereof “(13)”.

SAINT LAWRENCE SEAWAY TOLL NEGOTIATIONS

SEC. 110. (a) There is established an advisory board (hereafter in this section referred to as the “Board”) to advise the Secretary of State with respect to the negotiations with Canada concerning toll increases on the Saint Lawrence Seaway and the Welland Canal.

Advisory board, establishment.

- Membership.** (b) The Board shall consist of 15 members appointed by the President from among representatives of groups in the Great Lakes area which would be affected most directly by increased tolls, including port directors, port authorities, maritime labor, shipping companies, shippers, and consumers.
- Compensation.** (c) (1) Members of the Board shall each be entitled to receive the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-15 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Board.
- (2) While away from their homes or regular places of business in the performance of services for the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.
- Termination.** (d) The Board shall cease to exist on the date designated by the Secretary of State as the date on which the negotiations described in subsection (a) are completed or on September 30, 1978, whichever date occurs first.

LIABILITY OF CONSULAR OFFICERS

- Repeals.** SEC. 111. (a) (1) Sections 1735 and 1736 of the Revised Statutes of the United States (22 U.S.C. 1199) are repealed.
- (2) The section analysis of chapter two of title XVIII of the Revised Statutes of the United States is amended by striking out the items relating to sections 1735 and 1736.
- 22 USC 1199
note. (b) The repeals made by subsection (a) shall not affect suits commenced before the date of enactment of this Act.

CERTAIN NONIMMIGRANT VISAS

- Applications, recommendation of approval.** SEC. 112. The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, is amended by adding at the end thereof the following new section.
- 22 USC 2691. "SEC. 21. For purposes of achieving greater United States compliance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (signed at Helsinki on August 1, 1975) and for purposes of encouraging other signatory countries to comply with those provisions, the Secretary of State should, within 30 days of receiving an application for a nonimmigrant visa by any alien who is excludible from the United States by reason of membership in or affiliation with a proscribed organization but who is otherwise admissible to the United States, recommend that the Attorney General grant the approval necessary for the issuance of a visa to such alien, unless the Secretary determines that the admission of such alien would be contrary to the security interests of the United States and so certifies to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate."
- Certification to Speaker of the House and Senate committee.**

PUBLIC PARTICIPATION IN STATE DEPARTMENT PROCEEDINGS

- SEC. 113. (a) The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended by section 112 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 22. (a) The Secretary of State may compensate, pursuant to regulations which he shall prescribe, for the cost of participating in any proceeding or on any advisory committee or delegation of the Department of State, any organization or person—

Compensation.
22 USC 2692.

"(1) who is representing an interest which would not otherwise be adequately represented and whose participation is necessary for a fair determination of the issues taken as a whole; and

"(2) who would otherwise be unable to participate in such proceeding or on such committee or delegation because such organization or person cannot afford to pay the costs of such participation.

"(b) Of the funds appropriated for salaries and expenses for the Department of State, not to exceed \$250,000 shall be available in any fiscal year for compensation under this section to such organizations and persons."

Funds,
availability.

(b) Subsection (a) shall become effective on October 1, 1977.

Effective date.
22 USC 2692
note.

TITLE II—UNITED STATES INFORMATION AGENCY

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) There are authorized to be appropriated for the United States Information Agency for fiscal year 1978, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

22 USC 1431
note.
22 USC 2451
note.
22 USC 1461
note.

(1) For "Salaries and expenses" and "Salary and expenses (special foreign currency program)", \$269,286,000.

(2) For "Special international exhibitions", \$4,360,000.

(3) For "Acquisition and construction of radio facilities", \$19,872,000.

(4) For increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs, such additional amounts as may be necessary.

(b) Amounts appropriated under this section are authorized to remain available until expended.

TRANSFER AUTHORITY

SEC. 202. Funds authorized to be appropriated for fiscal year 1978 by any paragraph of section 201(a) (other than paragraph (4)) may be appropriated for such fiscal year for a purpose for which appropriations are authorized by any other paragraph of such section (other than paragraph (4)), except that the total amount appropriated for a purpose described in any paragraph of section 201(a) (other than paragraph (4)) may not exceed the amount specifically authorized for such purpose by section 201(a) by more than 10 per centum.

REPLACEMENT OF FACILITIES IN SOWETO, REPUBLIC OF SOUTH AFRICA

SEC. 203. The Director of the United States Information Agency shall prepare and submit to the Secretary of State plans for the

Plan, submittal
to Secretary.

22 USC 299. replacement under the Foreign Service Buildings Act, 1926, of the Agency's facilities in Soweto, Republic of South Africa.

DISTRIBUTION WITHIN THE UNITED STATES OF CERTAIN FILMS PREPARED
BY THE UNITED STATES INFORMATION AGENCY

National
Archives,
depository for
master copies.

SEC. 204. Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency may make available to the Administrator of General Services, for deposit in the National Archives of the United States, a master copy of—

- (1) the film entitled "Hirshhorn Museum and Sculpture Garden";
 - (2) the film entitled "Man in the Environment"; and
 - (3) any of the films sponsored by the Agency for its two "Young Filmmakers Bicentennial Film Series";
- and the Administrator shall make copies of such films available for public viewing within the United States.

USE BY THE JOHN FITZGERALD KENNEDY LIBRARY OF CERTAIN FILMS
PREPARED BY THE UNITED STATES INFORMATION AGENCY

SEC. 205. Notwithstanding the second sentence of section 501 of the United State Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency shall, upon receipt of reimbursement for any expenses involved, make available to the Administrator of General Services for deposit or use at the John Fitzgerald Kennedy Library in Boston, Massachusetts, copies of the following films and trims and outs:

Films.

- "President Kennedy Address Canadian Parliament".
- "United in Progress".
- "America Welcomes Prime Minister Baldewa (Nigeria)".
- "U.S. Welcomes Crown Prince Hassan (Libya)".
- "America Welcomes Ayub Khan".
- "America Welcomes President Aboud (Sudan)".
- "Firm Alliance (Iran)".
- "American Journey (Ivory Coast)".
- "A Welcome Visitor (Nehru)".
- "Hailie Selassie (Return Visit)".
- "His Majesty, King Hassan (Morocco) Visits U.S.".
- "Salute to an African Leader (Bourguiba-Tunisia)".
- "Inauguration of John F. Kennedy".
- "The Task Begun".
- "Progress through Freedom".
- "Forging the Alliance".
- "Prime Minister of Somali Republic Visits U.S.".
- "President Olympio of Togo Visits U.S." .
- "Five Cities in June".
- "From Uganda to America".
- "President Ahidjo Visits U.S.".
- "Mrs. Kennedy's Asian Journey".
- "Invitation to India".
- "Invitation to Pakistan".

TITLE III—BOARD FOR INTERNATIONAL
BROADCASTING

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. Section 8(a) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)) is amended—

- (1) in the text preceding paragraph (1) by striking out “1977” and inserting in lieu thereof “1978”; and
- (2) in paragraph (1) by striking out “\$58,385,000” and inserting in lieu thereof “\$68,980,000”.

TECHNICAL AMENDMENTS

SEC. 302. (a) Section 2 of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2871) is amended—

- (1) in paragraph (3) by striking out “(hereafter referred to as Radio Free Europe and Radio Liberty),” and inserting in lieu thereof “(commonly referred to as Radio Free Europe and Radio Liberty), which have now been consolidated into RFE/RL, Incorporated,”;
 - (2) in paragraph (4) by striking out “Radio Free Europe and Radio Liberty as” and inserting in lieu thereof “RFE/RL, Incorporated, as an”; and
 - (3) in paragraph (5) by striking out “Radio Free Europe and Radio Liberty” and inserting in lieu thereof “RFE/RL, Incorporated”;
- (b) Section 3(b) of such Act (22 U.S.C. 2872(b)) is amended—
- (1) in paragraph (1) by striking out “Radio Free Europe and Radio Liberty” in the fourth sentence and inserting in lieu thereof “RFE/RL, Incorporated,”; and
 - (2) in paragraph (4) by striking out “Radio Free Europe and Radio Liberty” and inserting in lieu thereof “RFE/RL, Incorporated”.
- (c) Section 4 of such Act (22 U.S.C. 2873) is amended—
- (1) in subsection (a) (1) by striking out “Radio Free Europe and Radio Liberty” and inserting in lieu thereof “RFE/RL, Incorporated,”;
 - (2) in subsection (a) (2)—
 - (A) by striking out “Radio Free Europe and Radio Liberty” and inserting in lieu thereof “RFE/RL, Incorporated,”; and
 - (B) by striking out “their” and inserting in lieu thereof “its”;
 - (3) in subsection (a) (3), by striking out “Radio Free Europe and Radio Liberty” each of the three places it appears and inserting in lieu thereof “RFE/RL, Incorporated,”;
 - (4) in subsection (a) (4) by striking out “Radio Free Europe and Radio Liberty” and inserting in lieu thereof “RFE/RL, Incorporated,”;
 - (5) in subsection (a) (8) by striking out “Radio Free Europe and Radio Liberty” and inserting in lieu thereof “RFE/RL, Incorporated,”; and
 - (6) in subsection (b) by striking out “Radio Free Europe and Radio Liberty” and inserting in lieu thereof “RFE/RL, Incorporated”.

(d) Section 5 of such Act (22 U.S.C. 2874) is amended—

(1) in subsection (a) by striking out “Radio Free Europe and Radio Liberty” and inserting in lieu thereof “RFE/RL, Incorporated,”;

(2) in subsection (b) by striking out “Radio Free Europe and Radio Liberty” and inserting in lieu thereof “RFE/RL, Incorporated,”; and

(3) in subsection (c)—

(A) by striking out “the radio to which the grant is to be made” and inserting in lieu thereof “REF/RL, Incorporated,”; and

(B) by striking out “that radio” and inserting in lieu thereof “RFE/RL, Incorporated,”.

TITLE IV—FOREIGN SERVICE AND OTHER PERSONNEL

SERVICE AS CHIEF OF MISSION

SEC. 401. Section 431(c) of the Foreign Service Act of 1946 (22 U.S.C. 881(c)) is amended by inserting “or Reserve officer” immediately after “officer” both places it appears.

COMPENSATION OF ALIEN EMPLOYEES

SEC. 402. (a) Subsection (b) of section 444 of the Foreign Service Act of 1946 (22 U.S.C. 889(b)) is amended by inserting “and any other establishments of the Government, including those in the legislative and judicial branches,” immediately after “Government agencies”.

(b) (1) Such section 444 (22 U.S.C. 889) is further amended by adding the following new subsection at the end thereof:

“(c) (1) The head of any agency of the United States, including any agency of the legislative or judicial branch of the United States, may compensate any current or former alien employee, including an alien employee who worked under a personal services contract, who is or has been imprisoned by a foreign government if the Secretary of State (or, in the case of an alien employee of the Central Intelligence Agency, the Director of Central Intelligence) determines that such imprisonment is the result of the alien’s employment by the United States. Such compensation may not exceed an amount that such agency head determines approximates the salary and other benefits to which such employee or former employee would have been entitled had he or she remained employed during the period of such imprisonment, and may be paid under such terms and conditions as the Secretary of State deems appropriate. For purposes of making payments authorized by this subsection, the head of any such agency shall have the same powers with respect to imprisoned alien employees and such former employees as any head of an agency under the provisions of subchapter VII of chapter 55 of title 5, United States Code, to the extent that such powers are consistent with this paragraph. Any period of imprisonment of an alien which is compensable under this subsection shall be considered for purposes of any other employee benefit to be a period of employment by the United States Government, except that a period of imprisonment shall not be creditable—

“(A) for purposes of subchapter III of chapter 83 of title 5, United States Code, unless the individual either—

Imprisonment
resulting from
employment by
United States,
continued
compensation.

5 USC 5561.

5 USC 8331.

“(i) was subject to section 8334(a) of such title during the period of his or her Government employment last preceding the imprisonment; or

“(ii) qualifies for annuity benefits under such subchapter III by reason of other service; or

5 USC 8331.

“(B) for purposes of subchapter I of chapter 8 of title 5, United States Code, unless the individual was employed by the United States Government at the time of his or her imprisonment.

“(2) No compensation or other benefit shall be awarded under paragraph (1) unless a claim therefor is filed within three years after—

Compensation claims, filing.

“(A) the date of the enactment of this subsection;

“(B) the termination of the period of imprisonment giving rise to the claim; or

“(C) the date of the claimant's first opportunity to file such a claim, as determined by the appropriate agency head; whichever is later.

“(3) The Secretary of State may prescribe regulations governing payments under this subsection for the guidance of all agencies.”

Regulations.

(2) The amendment made by paragraph (1) of this subsection shall apply with respect to all past, present, and future qualified employees, but no monthly compensation or annuity payment under title 5, United States Code, that may be approved by reason of such amendment shall be effective prior to the first day of the first month which begins on or after the date of enactment of this Act or October 1, 1977, whichever is later. Payments that may be authorized under such amendment, other than annuity or monthly compensation payments referred to in the preceding sentence, shall be paid from funds appropriated after such date of enactment for salaries and expenses.

Effective date.

22 USC 889 note.

5 USC 101 *et seq.*

AMBASSADORS FOR SPECIAL MISSIONS

SEC. 403. Section 501(c) of the Foreign Service Act of 1946 (22 U.S.C. 901(c)) is amended by inserting immediately before the period at the end thereof the following: “if the President, before conferring such rank, reports in writing to the Committee on Foreign Relations of the Senate his intent to confer such rank and transmits therewith all materials relating to any potential conflicts of interest relevant to such person”.

Presidential report to congressional committee.

CITIZENSHIP REQUIREMENT

SEC. 404. Section 515 of the Foreign Service Act of 1946 (22 U.S.C. 910) is amended by striking out “and has been such for at least ten years”.

CAREER CANDIDATE PROGRAM

SEC. 405. Section 516 of the Foreign Service Act of 1946 (22 U.S.C. 911) is amended by—

(1) amending the section heading to read “Admission to Class 6, 7, or 8”;

(2) striking out “shall” and inserting in lieu thereof “may” in the last sentence of subsection (a); and

(3) adding the following subsection at the end thereof:

“(c) Foreign Service officer candidates who have passed examinations described in subsection (a) may be appointed by the Secretary, under such regulations as he may prescribe, for a trial period of service as Foreign Service Reserve officers of class 7 or 8. Such appoint-

Foreign Service Reserve officers, trial period.

Report to
President.

22 USC 1008.

ments shall be limited to a maximum of 48 months, but may be extended for up to 12 additional months if the Secretary deems such extension to be in the public interest. Such Reserve officers may receive promotions up to class 6 for satisfactory performance during such trial period. The Secretary shall furnish the President with the names of such Reserve officers who have demonstrated fitness and aptitude for the work of the Service and whom he recommends for appointment as Foreign Service officers in the class corresponding to their Reserve officer class. The Secretary may terminate the services of such Reserve officers at any time under section 638.”.

REASSIGNMENT OF CHIEFS OF MISSION

SEC. 406. Section 519 of the Foreign Service Act of 1946 (22 U.S.C. 914) is amended by—

- (1) inserting “, or a Foreign Service Reserve officer who is a participant in the Foreign Service Retirement and Disability System,” immediately after “officer”; and
- (2) striking out “in accordance with the provisions of section 514” and inserting in lieu thereof “to another position in accordance with this or any other Act”.

CITIZENSHIP REQUIREMENT

SEC. 407. Section 522 of the Foreign Service Act of 1946 (22 U.S.C. 922) is amended by striking out “and who has been such for at least five years” in the text preceding paragraph (1).

PRESIDENTIAL APPOINTMENTS

SEC. 408. Section 571(b) of the Foreign Service Act of 1946 (22 U.S.C. 961(b)) is amended by—

- (1) inserting “or Reserve officer” immediately after “officer” the first time the latter appears; and
- (2) striking out “a Foreign Service” the second time the phrase appears and inserting in lieu thereof “such an”.

TECHNICAL AMENDMENTS

SEC. 409. (a) Section 811(d) of the Foreign Service Act of 1946 (22 U.S.C. 1071(d)) is amended by striking out “July 1, 1921” in the table and inserting in lieu thereof “July 1, 1924”.

(b) Section 821(g) of the Foreign Service Act of 1946 (22 U.S.C. 1076(g)) is amended by striking out “married” and inserting in lieu thereof “unmarried” in the first sentence.

DEATH GRATUITIES FOR FOREIGN SERVICE ALIEN EMPLOYEES

SEC. 410. (a) Paragraph (1) of section 14(d) of the Act entitled “An Act to provide certain basic authority for the Department of State”, approved August 1, 1956 (22 U.S.C. 2679a(d)), is amended by—

- (1) striking out “national” and inserting in lieu thereof “employee”;
- (2) striking out “or” immediately after “consular agent,”; and
- (3) inserting immediately before the semicolon at the end thereof “, or an alien employee appointed under section 541 of the Foreign Service Act of 1946”.

22 USC 946.

(b) The amendments made by subsection (a) shall apply with respect to deaths occurring on or after August 1, 1974, and any benefits authorized by those amendments shall be paid from funds appropriated after the date of enactment of this Act for salaries and expenses.

Effective date.
22 USC 2679a
note.

SPECIAL ANNUITY FOR CERTAIN OFFICERS SELECTED-OUT FROM THE FOREIGN SERVICE

SEC. 411. (a) Subject to the conditions established in subsection (b), any Foreign Service officer—

Requirements.
22 USC 1004
note.

(1) who was retired under section 633(a)(1) of the Foreign Service Act of 1946 before the date of enactment of this section;

22 USC 1003.

(2) who was not in class 1, 2, or 3 at the time of retirement;

(3) who was 40 years of age or older at the time of retirement;

and

(4) who had at least 20 years of service, exclusive of credit for unused sick leave, creditable for purposes of section 821 of such Act at the time of retirement;

22 USC 1076.

shall be entitled to receive retirement benefits in accordance with the provisions of such section 824 in lieu of any retirement benefits which the officer may be entitled to elect under section 634(b)(2) of such Act. Such retirement benefits shall be paid from the Foreign Service Retirement and Disability Fund and shall be effective on the date the officer reaches age 50, the date of enactment of this section, or October 1, 1977, whichever date is latest.

22 USC 1004.

(b) Retirement benefits may not be paid under this section unless (1) any refund of contributions paid to the officer under section 634(b)(2) of the Foreign Service Act of 1946 is repaid to the Foreign Service Retirement and Disability Fund, with interest, in accordance with sections 811 (d) and (f) of such Act; and (2) the service forming the basis for such retirement benefits is not used as the basis for any other retirement benefits under any retirement system.

22 USC 1071.

(c) In the event that an officer who is entitled to retirement benefits under this section dies before reaching the age of fifty, but after the date of enactment of this section, his or her death shall be considered a death in service within the meaning of section 832 of the Foreign Service Act of 1946, except that no survivor's annuity (other than a survivor's annuity which would be payable under the first complete sentence in section 634(b)(2) of such Act but for the enactment of this section) shall become effective before October 1, 1977.

22 USC 1082.

22 USC 1004.

(d) An officer entitled to retirement benefits under this section may make the election described in section 821 (b) or (f), as appropriate, of the Foreign Service Act of 1946 at any time before reaching the age of fifty or before the end of the sixty-day period beginning on the date of enactment of this section, whichever is later.

22 USC 1076.

COMPENSATION FOR JUNIOR FOREIGN SERVICE OFFICERS

SEC. 412. (a) (1) Paragraph (2) of section 5541 of title 5, United States Code, is amended—

Definitions.

(A) by striking out "or" at the end of clause (xii);

(B) by striking out the period at the end of clause (xiii) and inserting in lieu thereof a semicolon; and

(C) by adding at the end thereof the following clauses:

“(xiv) a ‘Foreign Service officer’ within the meaning of section 401 of the Foreign Service Act of 1946; or

“(xv) a ‘Foreign Service information officer’ as provided for by the first section of the Act entitled ‘An Act to promote the foreign policy of the United States by strengthening and improving the Foreign Service personnel system of the United States Information Agency through establishment of a Foreign Service Information Officer Corps’, approved August 20, 1968.”

Effective date.
5 USC 5541 note.
Per annum
salary, increase.
22 USC 867 note.

(2) The amendments made by paragraph (1) shall take effect on October 1, 1978.

(b) (1) The President shall increase the amount of each rate of per annum salary in classes 5 through 8 of Foreign Service officers in the table contained in section 412 of the Foreign Service Act of 1946 (22 U.S.C. 867), by \$250.

(2) Pay may not be paid, by reason of the increase provided under paragraph (1), at a rate in excess of the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

Foreign Service
Reserve officers,
pay increase,
prohibition.

Effective date.

(3) Notwithstanding the provisions of section 414 of the Foreign Service Act of 1946 (22 U.S.C. 869), the rate of per annum salary of a Foreign Service Reserve officer shall not be increased by reason of the increase made by paragraph (1).

(4) The increase made by reason of paragraph (1) shall apply with respect to pay periods beginning on or after October 1, 1978, and shall be in addition to any increase or adjustment made under subchapter I of chapter 53 of title 5, United States Code.

5 USC 5301 *et seq.*

EMPLOYMENT OF FOREIGN SERVICE SPOUSES

22 USC 2693.

SEC. 413. (a) The Secretary of State shall, when employing persons to fill jobs outside the United States to which career Foreign Service personnel are not customarily assigned, including temporary and local hire jobs, give equal consideration to employing qualified family members of United States Government employees (including family members of Foreign Service personnel) assigned to duties outside the United States. Such employment may not be used to avoid fulfilling the need for fulltime career positions.

Career counseling
and assistance.

(b) To facilitate the employment by the Department of State, or by other employers, of the spouses of Foreign Service personnel, the Secretary may—

(1) provide regular career counseling for such spouses;

(2) maintain a centralized system for cataloging their skills and the various, governmental and nongovernmental, overseas employment opportunities available to such spouses; and

(3) otherwise assist such spouses in obtaining overseas employment.

(c) Any member of a family of Foreign Service personnel may accept gainful employment in a foreign country unless such employment—

(1) would violate any law of such country or of the United States; or

(2) could, as certified in writing by the Chief of the United States Diplomatic Mission in such country, damage the interests of the United States.

(d) Not later than January 1, 1978, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the committee on Foreign Relations of the Senate a report on actions the Department of State has taken to carry out the provisions of this section.

Report,
transmittal to
Speaker of the
House and Senate
committee.

LANGUAGE TRAINING FOR FOREIGN SERVICE SPOUSES

SEC. 414. (a) It is the sense of Congress that, in order to increase the effectiveness of United States diplomatic representation abroad, the Secretary of State should make greater use of his authority under section 701 of the Foreign Service Act of 1946 in order to increase the language training opportunities available to the family members of Foreign Service personnel.

22 USC 1041
note.

22 USC 1041.

(b) Not later than January 1, 1978, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report discussing—

Report,
transmittal to
Speaker of the
House and Senate
committee.
Contents.

(1) actions he has taken in accordance with subsection (a) of this section; and

(2) any budgetary or other obstacles which prevent the Department of State from making available a comprehensive language training program for the families of Foreign Service personnel.

TITLE V—MISCELLANEOUS PROVISIONS

STRENGTHENING INTERNATIONAL INFORMATION, EDUCATION, CULTURAL, AND BROADCASTING ACTIVITIES

SEC. 501. Not later than October 31, 1977, the President shall transmit to the chairman of the Committee on International Relations of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate his recommendations for reorganizing the international information, education, cultural, and broadcasting activities of the United States Government. Such recommendations shall take into account the findings and reports of the Panel on International Information, Education, and Cultural Relations; the Commission on the Organization of the Government for the Conduct of Foreign Policy; the General Accounting Office; and the United States Advisory Commission on Information.

Presidential
recommendations,
transmittal
to congressional
committees.

BELGRADE CONFERENCE

SEC. 502. The Congress finds that the Belgrade Conference to review compliance with the Helsinki Accords provides the United States an important forum to press its case for greater respect for human rights. Furthermore, the Congress is convinced that the emphasis given human rights in general by the United States should be translated into concern for specific individuals. In this regard, the Congress is particularly concerned about the fate of Anatoly Shcharansky and urges the United States representatives to the Belgrade Conference to express the official concern of the United States over the Shcharansky case.

UNITED NATIONS REFORM

SEC. 503. (a) The United States should make a major effort toward reforming and restructuring the United Nations system so that it might become more effective in resolving global problems. Toward that end, the United States should present a program for United Nations reform to the Special United Nations Committee on the Charter of the United Nations and on Strengthening of the Role of the Organization. In developing such a program the United States should give appropriate consideration to various possible proposals for reforming the United Nations, including but not limited to proposals which would—

General
Assembly,
proposed voting
power
adjustment.
Security Council,
proposed veto
power
modification.

(1) adjust decisionmaking processes in the United Nations by providing voting in the General Assembly weighted according to population and contributions and by modifying veto powers on certain categories of questions, such as membership recommendations, in the Security Council;

(2) foster greater use of the International Court of Justice by the United States and other members of the United Nations;

(3) supplement United Nations finances through contributions from commerce, services, and resources regulated by the United Nations;

(4) improve coordination of and expand United Nations activities on behalf of human rights;

(5) establish more effective United Nations machinery for the peaceful settlement of disputes, including means for the submission of differences to mediation or arbitration;

(6) adjust assessment scale calculations to reflect more accurately the actual ability of member nations to contribute to the United Nations and its specialized agencies; and

(7) provide greater coordination of United Nations technical assistance activities by the United Nations Development Program.

Presidential
report, submittal
to Speaker of the
House and Senate
committee.

(b) Accordingly, the President shall submit a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, as soon as possible, but no later than January 31, 1978, on his recommendations for reform of the United Nations.

INFORMATION OFFICES IN THE UNITED STATES

SEC. 504. It is the sense of the Congress that any foreign country should be allowed to maintain an information office in the United States if maintenance of such office is consistent with United States law.

REPARATIONS FOR VIETNAM

Payment
prohibition.
22 USC 2151
note.
MIA,
accounting.

SEC. 505. (a) None of the funds authorized to be appropriated in this Act shall be used for the purpose of reparations, aid, or any other form of payment to the Socialist Republic of Vietnam.

(b) The President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam.

PANAMA CANAL

SEC. 506. Any new Panama Canal treaty or agreement negotiated with funds appropriated under this Act must protect the vital interests of the United States in the Canal Zone and in the operation, maintenance, property, and defense of the Panama Canal.

UNITED NATIONS CONFERENCE ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT

SEC. 507. (a) The President shall take appropriate steps to ensure that, at all stages of the United Nations Conference on Science and Technology for Development, representatives of the United States place important emphasis, in both official statements and informal discussions, on the development and use of light capital technologies in agriculture, in industry, and in the production and conservation of energy.

(b) As used in this section, the term "light capital technologies" means those means of production which economize on capital wherever capital is scarce and expensive and labor abundant and cheap, the purposes being to insure that the increasingly scarce capital in the world can be stretched to help all, rather than a small minority, of the world's poor; that workers will not be displaced by sophisticated labor-saving devices where there is already much unemployment; and further, that poor nations can be encouraged eventually to produce their own capital from surplus labor time, thus enhancing their chances of developing independently of outside help.

"Light capital technologies."

INTER-AMERICAN FOUNDATION

SEC. 508. Section 401(s) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)) is amended—

(1) by inserting "(1)" immediately after "(s)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) There is authorized to be appropriated not to exceed \$25,000,000 for each of the fiscal years 1979 and 1980 to carry out the purposes of this section. Amounts appropriated under this paragraph are authorized to remain available until expended."

Appropriation authorization.

FOREIGN EMPLOYMENT

SEC. 509. (a) Subject to the condition described in subsection (b), the consent of Congress is granted to—

(1) any retired member of the uniformed services,

(2) any member of a Reserve component of the Armed Forces, and

(3) any member of the commissioned Reserve Corps of the Public Health Service,

to accept any civil employment (and compensation therefor) with respect to which the consent of Congress is required by the last paragraph of section 9 of article I of the Constitution of the United States, relating to acceptance of emoluments, offices, or titles from a foreign government.

Congressional consent.
37 USC 801 note.

USC prec. title 1.

(b) No individual described in subsection (a) may accept any employment or compensation described in such subsection unless the Secretary concerned and the Secretary of State approve such employment.

Definitions.

(c) For purposes of this section, the term—

(1) “uniformed services” means the Armed Forces, the commissioned Regular and Reserve Corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration;

(2) “Armed Forces” means the Army, Navy, Air Force, Marine Corps, and Coast Guard; and

(3) “Secretary concerned” means—

(A) the Secretary of the Army, with respect to retired members of the Army and members of the Army Reserve;

(B) the Secretary of the Navy, with respect to retired members of the Navy and the Marine Corps, members of the Navy and Marine Corps Reserves, and retired members of the Coast Guard and members of the Coast Guard Reserve when the Coast Guard is operating as a service in the Navy;

(C) the Secretary of the Air Force, with respect to retired members of the Air Force and members of the Air Force Reserve;

(D) the Secretary of Transportation, with respect to retired members of the Coast Guard and members of the Coast Guard Reserve when the Coast Guard is not operating as a service in the Navy;

(E) the Secretary of Commerce, with respect to retired members of the commissioned corps of the National Oceanic and Atmospheric Administration; and

(F) the Secretary of Health, Education, and Welfare, with respect to retired members of the commissioned Regular Corps of the Public Health Service and members of the commissioned Reserve Corps of the Public Health Service.

Repeal.

(d) (1) Section 1032 of title 10, United States Code, is repealed.

(2) The section analysis for chapter 53 of such title is amended by striking out the item relating to section 1032.

10 USC 280.

(3) Section 280 of such title is amended by striking out “1032,”.

INTERNATIONAL FOOD RESERVE

**22 USC 2220
note.**

SEC. 510. (a) The Congress finds and declares that—

(1) half a billion people suffer from malnutrition or undernutrition;

(2) very modest shortfalls in crop production can result in widespread human suffering;

(3) increasing variability in world food production and trade remains an ever-present threat to producers and consumers;

(4) the World Food Conference recognized the urgent need for an international undertaking on world food security based largely upon strategic food reserves;

(5) the nations of the world have agreed to begin discussions on a system of grain reserves to regulate food availability;

(6) the Congress through legislation has repeatedly urged the President to enter negotiations with other nations to establish such a network of grain reserves;

(7) little progress has resulted from the initial multilateral discussions toward the negotiation of an international grain reserve system;

(8) this lack of progress is caused, in part, by lack of leadership in such discussions; and

(9) the United States is in a unique position as the world's most important producer of foodstuffs to provide such leadership.

(b) It is therefore the sense of the Congress that the President should initiate a major diplomatic initiative toward the creation of an international system of nationally held grain reserves which provides for supply assurance to consumers and income security to producers.

NEGOTIATIONS WITH CUBA

SEC. 511. (a) It is the sense of the Congress that any negotiations toward the normalization of relations with Cuba be conducted in a deliberate manner and on a reciprocal basis, and that the vital concerns of the United States with respect to the basic rights and interests of United States citizens whose persons or property are the subject of such negotiations be protected.

22 USC 2151
note.

(b) Furthermore, it is the sense of Congress that the Cuban policies and actions regarding the use of its military and paramilitary personnel beyond its borders and its disrespect for the human rights of individuals are among the elements which must be taken into account in any such negotiations.

UNITED STATES POLICY TOWARD KOREA

SEC. 512. (a) The Congress declares that—

22 USC 2428a.

(1) United States policy toward Korea should continue to be arrived at by joint decision of the President and the Congress;

(2) in any implementation of the President's policy of gradual and phased reduction of United States ground forces from the Republic of Korea, the United States should seek to accomplish such reduction in stages consistent with United States interests in Asia, notably Japan, and with the security interests of the Republic of Korea;

(3) any implementation of this policy should be carried out with a careful regard to the interest of the United States in continuing its close relationship with the people and government of Japan, in fostering democratic practices in the Republic of Korea, and in maintaining stable relations among the countries of East Asia; and

(4) these interests can be served most effectively by a policy which involves consultations by the United States Government, as appropriate, with the governments of the region, particularly those directly involved.

(b) (1) Any implementation of the foregoing policy shall be carried out in regular consultation with the Congress.

Presidential
consultation with
Congress.
Presidential
report,
transmittal to
Speaker of the
House and Senate
committees.

(2) Not later than February 15, 1978, and not later than February 15 of each year thereafter until any such withdrawal is completed, the President shall transmit a report in writing to the Speaker of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Intelligence of the Senate assessing the implementation of the foregoing policy.

UNITED NATIONS SPECIAL SESSION ON DISARMAMENT

Report,
transmittal to
congressional
committees.

SEC. 513. Noting the decision of the United Nations General Assembly to convene a special session on disarmament in the spring of 1978 and recognizing the important role that comprehensive disarmament could play in securing world peace and economic development, the Congress requests that, at an appropriate date, the Secretary of State report to the appropriate committees of the Congress on the procedures which the executive branch is following in preparing for the special session on disarmament and on United States objectives for that special session.

INTERNATIONAL BOUNDARY AND WATER COMMISSION

Appropriation
authorizations.

SEC. 514. (a) Section 2(2) of the Act entitled "An Act to authorize conclusion of an agreement with Mexico for joint measures for solution of the Lower Rio Grande salinity problem", approved September 19, 1966 (22 U.S.C. 277d-31), is amended by inserting immediately after "\$25,000" the following: "based on estimated calendar year 1976 costs, plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein,".

(b) Section 3 of the Act entitled "An Act to authorize the conclusion of agreements with Mexico for joint construction, operation, and maintenance of emergency flood control works on the lower Colorado River, in accordance with the provisions of article 13 of the 1944 Water Treaty with Mexico, and for other purposes", approved August 10, 1964 (22 U.S.C. 277d-28), is amended by inserting immediately after "\$30,000" the following: "based on December 1975 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein,".

(c) Section 103 of the American-Mexican Treaty Act of 1950 (22 U.S.C. 277d-3) is amended by striking out "\$100 per diem" in the second sentence and inserting in lieu thereof "the maximum daily rate for grade GS-15 of the General Schedule".

(d) The amendments made by this section shall take effect on October 1, 1977.

Effective date.
22 USC 277d-3
note.

FOREIGN GIFTS AND DECORATIONS

SEC. 515. (a) (1) Section 7342 of title 5, United States Code, is amended to read as follows:

"§ 7342. Receipt and disposition of foreign gifts and decorations

Definitions.

"(a) For the purpose of this section—

"(1) 'employee' means—

"(A) an employee as defined by section 2105 of this title and an officer or employee of the United States Postal Service or of the Postal Rate Commission;

"(B) an expert or consultant who is under contract under section 3109 of this title with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under such section, any individual involved in the performance of such services;

"(C) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or the government of the District of Columbia;

“(D) a member of a uniformed service;

“(E) the President and the Vice President;

“(F) a Member of Congress as defined by section 2106 of this title (except the Vice President) and any Delegate to the Congress; and 5 USC 2106.

“(G) the spouse of an individual described in subparagraphs (A) through (F) (unless such individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1954) of such an individual, other than a spouse or dependent who is an employee under subparagraphs (A) through (F); 26 USC 152.

“(2) ‘foreign government’ means—

“(A) any unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

“(B) any international or multinational organization whose membership is composed of any unit of foreign government described in subparagraph (A); and

“(C) any agent or representative of any such unit or such organization, while acting as such;

“(3) ‘gift’ means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government;

“(4) ‘decoration’ means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government;

“(5) ‘minimal value’ means a retail value in the United States at the time of acceptance of \$100 or less, except that—

“(A) on January 1, 1981, and at 3 year intervals thereafter, ‘minimal value’ shall be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period; and

“‘Minimal value,’
triennial
redefinition.

“(B) regulations of an employing agency may define ‘minimal value’ for its employees to be less than the value established under this paragraph; and

“(6) ‘employing agency’ means—

“(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c) (2) (A), (e), and (g) (2) (B) shall be carried out by the Clerk of the House;

“(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate;

“(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

“(D) the department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

“(b) An employee may not—

Prohibited
conduct.

“(1) request or otherwise encourage the tender of a gift or decoration; or

“(2) accept a gift or decoration, other than in accordance with the provisions of subsections (c) and (d).

Gifts, acceptance.	<p>“(c) (1) The Congress consents to—</p> <p>“(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and</p> <p>“(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that—</p>
Designation as U.S. property.	<p>“(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and</p> <p>“(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency.</p>
Gifts, deposition.	<p>“(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1) (B) (ii)), an employee shall—</p> <p>“(A) deposit the gift for disposal with his or her employing agency; or</p> <p>“(B) subject to the approval of the employing agency, deposit the gift with that agency for official use.</p> <p>Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e).</p> <p>“(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1) (B) (ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.</p>
Employee statement, filing.	<p>“(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use or forwarding to the Administrator of General Services for disposal in accordance with subsection (e).</p>
Decorations, acceptance and deposition.	<p>“(e) Gifts and decorations that have been deposited with an employing agency for disposal shall be (1) returned to the donor, or (2) forwarded to the Administrator of General Services for transfer,</p>
Gifts and decorations, disposal.	

donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

40 USC 471 note.

“(f) (1). Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c) (3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

List, transmittal to Secretary of State. Publication in Federal Register.

“(2) Such listings shall include for each tangible gift reported—

Contents.

“(A) the name and position of the employee;

“(B) a brief description of the gift and the circumstances justifying acceptance;

“(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

“(D) the date of acceptance of the gift;

“(E) the estimated value in the United States of the gift at the time of acceptance; and

“(F) disposition or current location of the gift.

“(3) Such listings shall include for each gift of travel or travel expenses—

“(A) the name and position of the employee;

“(B) a brief description of the gift and the circumstances justifying acceptance; and

“(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

“(4) In transmitting such listings for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

CIA list, deletions.

“(g) (1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

Regulations.

“(2) Each employing agency shall—

“(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

“(B) establish a procedure for obtaining an appraisal, when necessary, of the value of gifts; and

“(C) take any other actions necessary to carry out the purpose of this section.

“(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus \$5,000.

Civil actions. Jurisdiction.

Penalty.

“(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

“(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

“(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies.”.

22 USC 2458a.
Effective date.
5 USC 7342 note.
Gifts, purchase
limitation.
22 USC 2694.

(2) The amendment made by paragraph (1) of this subsection shall take effect on January 1, 1978.

(b) (1) After September 30, 1977, no appropriated funds, other than funds from the “Emergencies in the Diplomatic and Consular Service” account of the Department of State, may be used to purchase any tangible gift of more than minimal value (as defined in section 7342(a)(5) of title 5, United States Code) for any foreign individual unless such gift has been approved by the Congress.

Report,
transmittal to
Speaker of the
House and Senate
committee.

(2) Beginning October 1, 1977, the Secretary of State shall annually transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report containing details on (1) any gifts of more than minimal value purchased with appropriated funds which were given to a foreign individual during the previous fiscal year, and (2) any other gifts of more than minimal value given by the United States Government to a foreign individual which were not obtained using appropriated funds.

Approved August 17, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS No. 95-231 (Comm. on International Relations) and No. 95-537 (Comm. of Conference).

SENATE REPORT No. 95-194 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 4, considered and passed House.

June 16, considered and passed Senate, amended.

July 28, Senate agreed to conference report.

Aug. 3, House agreed to conference report.

Public Law 95-106
95th Congress

An Act

To authorize appropriations to the United States International Trade Commission, to provide for greater efficiency in the administration of the Commission, and for other purposes.

Aug. 17, 1977
[H.R. 6370]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

United States
International
Trade
Commission.

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Subsection (e) of section 330 of the Tariff Act of 1930 (19 U.S.C. 1330(e)) is amended—

(1) by inserting “(1)” immediately before “For”; and

(2) by adding at the end thereof the following new paragraphs:

“(2) There are authorized to be appropriated to the Commission for necessary expenses for fiscal year 1978 an amount not to exceed \$11,522,000.

“(3) There are authorized to be appropriated to the Commission for each fiscal year after September 30, 1977, in addition to any other amount authorized to be appropriated for such fiscal year, such sums as may be necessary for increases authorized by law in salary, pay, retirement, and other employee benefits.”.

SEC. 2. APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN.

(a) Subsection (c) of section 330 of the Tariff Act of 1930 (19 U.S.C. 1330) is amended to read as follows:

“(c) CHAIRMAN AND VICE CHAIRMAN; QUORUM.—

“(1) The chairman and the vice chairman of the Commission shall be designated by the President from among the members of the Commission not ineligible, under paragraph (3), for designation. The President shall notify the Congress of his designations under this paragraph.

Notice to
Congress.

“(2) After June 16, 1978, the terms of office for the chairman and vice chairman of the Commission shall be as follows:

“(A) The first term of office occurring after such date shall begin on June 17, 1978, and end at the close of June 16, 1980.

“(B) Each term of office thereafter shall begin on the day after the closing date of the immediately preceding term of office and end at the close of the 2-year period beginning on such day.

“(3) (A) The President may not designate as the chairman of the Commission for any term—

“(i) either of the two commissioners most recently appointed to the Commission as of the beginning date of the term of office for which the designation of chairman is to be made; or

“(ii) any commissioner who is a member of the political party of which the chairman of the Commission for the immediately preceding term is a member.

“(B) The President may not designate as the vice chairman of the Commission for any term any commissioner who is a member of the political party of which the chairman for that term is a member.

“(C) If any commissioner does not complete a term as chairman or vice chairman by reason of death, resignation, removal from office as a commissioner, or expiration of his term of office as a commissioner, the President shall designate as the chairman or vice chairman, as the

case may be, for the remainder of such term a commissioner who is a member of the same political party. Designation of a chairman under this subparagraph may be made without regard to the limitation set forth in subparagraph (A) (i).

“(4) The vice chairman shall act as chairman in case of the absence or disability of the chairman. During any period in which there is no chairman or vice chairman, the commissioner having the longest period of continuous service as a commissioner shall act as chairman.

“(5) No commissioner shall actively engage in any business, vocation, or employment other than that of serving as a commissioner.

“(6) A majority of the commissioners in office shall constitute a quorum, but the Commission may function notwithstanding vacancies.”.

19 USC 1330
note.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply with respect to the designation of chairmen and vice chairmen of the United States International Trade Commission for terms beginning after June 16, 1978.

SEC. 3. ADMINISTRATION OF COMMISSION.

(a) Subsection (a) of section 331 of the Tariff Act of 1930 (19 U.S.C. 1331) is amended to read as follows:

“(a) **ADMINISTRATION.**—

“(1) Except as provided in paragraph (2), the chairman of the Commission shall—

“(A) appoint and fix the compensation of such employees of the Commission as he deems necessary (other than the personal staff of each commissioner), including the secretary,

“(B) procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, and

“(C) exercise and be responsible for all other administrative functions of the Commission.

Any decision by the chairman under this paragraph shall be subject to disapproval by a majority vote of all the commissioners in office.

“(2) Subject to approval by a majority vote of all the commissioners in office, the chairman may—

“(A) terminate the employment of any supervisory employee of the Commission whose duties involve substantial personal responsibility for Commission matters and who is compensated at a rate equal to, or in excess of, the rate for grade GS-15 of the General Schedule in section 5332 of title 5, United States Code, and

“(B) formulate the annual budget of the Commission.

“(3) No member of the Commission, in making public statements with respect to any policy matter for which the Commission has responsibility, shall represent himself as speaking for the Commission, or his views as being the views of the Commission, with respect to such matter except to the extent that the Commission has adopted the policy being expressed.”.

5 USC 5332
note.

(b) Section 331 of such Act (19 U.S.C. 1331) is amended—

(1) by striking out “approved by the Commission” in subsection (c) and inserting in lieu thereof the following: “approved by the chairman (except that in the case of a commissioner, or the personal staff of any commissioner, such vouchers may be approved by that commissioner)”, and

(2) by striking out subsection (d) and redesignating subsections (e), (f), and (g) as (d), (e), and (f), respectively.

(c) The amendments made by this section take effect on the date of enactment of this Act.

Effective date.
19 USC 1331
note.

SEC. 4. HARMONIZATION OF TRADE STATISTICS.

Section 484(e) of the Tariff Act of 1930 (19 U.S.C. 1484(e)) is amended by striking out "production," and inserting in lieu thereof the following: "production and programs for achieving international harmonization of trade statistics,".

SEC. 5. CONTINUATION OF REPORTS WITH RESPECT TO SYNTHETIC ORGANIC CHEMICALS.

19 USC 1332
note.

The International Trade Commission is hereby directed to make, for each calendar year ending before January 1, 1981, reports with respect to synthetic organic chemicals similar in scope to the reports made with respect to such chemicals for the calendar year 1976.

Approved August 17, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS No. 95-217 (Comm. on Ways and Means) and 95-518 (Comm. of Conference).

SENATE REPORT No. 95-122 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 25, considered and passed House.

May 17, considered and passed Senate, amended.

Aug. 4, House agreed to conference report.

Aug. 5, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 34:

Aug. 18, Presidential statement.

Public Law 95-107
95th Congress

An Act

Aug. 17, 1977
 [S. 1935]

To amend Public Law 95-18, providing for emergency drought relief measures.

Emergency
 drought relief.
 43 USC 502 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) clause (a) of the first section of the Act entitled "An Act to provide temporary authorities to the Secretary of the Interior to facilitate emergency actions to mitigate the impacts of the 1976-1977 drought", approved April 7, 1977 (91 Stat. 36), is amended by striking out "November 30, 1977" and inserting in lieu thereof "January 31, 1978".

43 USC 502 note.

(b) Section 8(c) of such Act is amended by striking out "September" and inserting in lieu thereof "November".

Add to section 8 of Public Law 95-18:

Report to
 Congress.

"(d) The Secretary may condition grants, or may waive all or a portion of the repayment of loans made under this Act, upon the agreement of a recipient to undertake a program of water conservation and efficient management meeting standards established by the Secretary. The Secretary shall report to Congress on measures which he has undertaken to institute such conservation and management procedures."

(c) Section 9 of such Act is amended by striking out all beginning with "water purchase" through "authorized by this Act and for" and inserting in lieu thereof "provisions of this Act which shall include the".

Availability of
 funds.

(d) Section 10(a) of such Act is amended by striking out all beginning with "during fiscal year" through "(62 Stat. 1052)", and inserting in lieu thereof "pursuant to this Act and the Act of June 26, 1948 (62 Stat. 1052)".

(e) Section 10(b) of such Act is amended—

(1) by striking out all beginning with "during fiscal year" through "(62 Stat. 1052)", and inserting in lieu thereof "pursuant to this Act and the Act of June 26, 1948 (62 Stat. 1052)"; and

(2) in the first sentence by striking out all beginning with the colon through "State".

Approved August 17, 1977.

LEGISLATIVE HISTORY:

SENATE REPORT No. 95-379 (Comm. on Energy and Natural Resources).
 CONGRESSIONAL RECORD, Vol. 123 (1977):

Aug. 1, considered and passed Senate.

Aug. 4, considered and passed House, amended.

Aug. 5, Senate agreed to House amendment.

Public Law 95-108
95th Congress

An Act

To amend the Arms Control and Disarmament Act to authorize appropriations for fiscal year 1978, and for other purposes.

Aug. 17, 1977

[H.R. 6179]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Arms Control and
Disarmament Act
Amendments of
1977.
22 USC 2551
note.

SHORT TITLE

SECTION 1. This Act may be cited as the “Arms Control and Disarmament Act Amendments of 1977”.

SPECIAL REPRESENTATIVE

SEC. 2. (a) Title II of the Arms Control and Disarmament Act is amended by adding at the end thereof the following new section:

“SPECIAL REPRESENTATIVE

“SEC. 27. The President may appoint, by and with the advice and consent of the Senate, a Special Representative for Arms Control and Disarmament Negotiations who shall perform such duties and exercise such powers (under the direction of the President and the Secretary of State, acting through the Director) as the Director may prescribe with respect to international arms control and disarmament negotiations and matters relating thereto.”.

Appointment and
confirmation.
22 USC 2567.

(b) Section 5315 of title 5, United States Code, is amended by inserting the following new paragraph immediately after paragraph (49):

“(50) Special Representative for Arms Control and Disarmament Negotiations, United States Arms Control and Disarmament Agency.”.

RESEARCH

SEC. 3. Section 31 of the Arms Control and Disarmament Act is amended by striking out “United States” in clause (2) of the second sentence.

22 USC 2571.

VERIFICATION OF ARMS CONTROL AGREEMENTS

SEC. 4. Title III of the Arms Control and Disarmament Act is amended by adding at the end thereof the following new section:

“VERIFICATION OF ARMS CONTROL AGREEMENTS

“SEC. 37. (a) It is the sense of the Congress that adequate verification of compliance should be an indispensable part of any international arms control agreement. In recognition of such policy and in order to assure that arms control proposals made or accepted by the United States can be adequately verified, the Director shall report to the

22 USC 2577.

Report to
Congress.

Congress, on a timely basis, or upon a request by an appropriate committee of the Congress—

“(1) in the case of each element of any significant arms control proposal made to a foreign country by the United States, or made to the United States by a foreign country, the determination of the Director as to the degree to which such element can be verified by existing national technical means;

“(2) in the case of any arms control agreement or treaty that has entered into force, any significant degradation or alteration in the capacity of the United States to verify the various components of such agreement or treaty;

“(3) the number of professional personnel assigned to arms control verification on a full-time basis by each Government agency; and

“(4) the amount and percentage of research funds expended by the Agency for the purpose of analyzing issues relating to arms control verification.

“(b) For purposes of paragraphs (1) and (2) of subsection (a), the Director shall assume that all measures of concealment not expressly prohibited could be employed and that standard practices could be altered so as to impede verification.

“(c) Except as otherwise provided by law, nothing in this section shall be construed as requiring the disclosure of sensitive information relating to intelligence sources or methods or persons employed in the verification of compliance with arms control agreements.”.

GENERAL AUTHORITY

Personnel.
22 USC 2581.

5 USC 101
et seq.
5 USC 5101.
5 USC 5331.
5 USC 5332
note.

SEC. 5. (a) Section 41(b) of the Arms Control and Disarmament Act is amended to read as follows:

“(b) appoint officers and employees, including attorneys, for the Agency in accordance with the provisions of title 5, United States Code, governing appointment in the competitive service, and fix their compensation in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that during the 2-year period beginning on the date of enactment of the Arms Control and Disarmament Act Amendments of 1977, the Director may, to the extent he deems necessary to the discharge of his responsibilities, appoint and fix the compensation of officers and employees for the Agency without regard to such provisions, subject to the following requirements:

“(1) an officer or employee whose compensation is fixed under the foregoing exception may not be paid a salary at a rate in excess of the rate payable under such chapter 51 and such subchapter III for positions of equivalent difficulty or responsibility except for (A) those officers and employees whose compensation is fixed by law, and (B) scientific and technical personnel who may be compensated at a rate not to exceed the rate in effect for grade GS-18 of the General Schedule;

“(2) the Director shall make adequate provision for administrative review of any determination to suspend or dismiss any officer or employee appointed under the foregoing exception; and

“(3) an officer or employee of the Agency serving under a career or career conditional appointment on the date of enactment of the Arms Control and Disarmament Act Amendments of 1977 may not be involuntarily deprived, while employed by the Agency,

Review.

of any rights normally granted such officer or employee in the competitive service;”.

(b) Section 41 of such Act is amended—

22 USC 2581.

(1) by redesignating paragraphs (g) and (h) as paragraphs (h) and (i), respectively; and

(2) by inserting immediately after paragraph (f) the following new paragraph:

Advisory
services,
expenses,
reimbursement.

“(g) permit, under such terms and conditions as he may prescribe, any officer or employee of the Agency, in connection with the attendance by such officer or employee at meetings or in performing advisory services concerned with the functions or activities of the Agency, to accept payment, in cash or in kind, from any private agency or organization, or from any individual affiliated with such agency or organization, for travel and subsistence expenses, such payment to be retained by such officer or employee to cover the cost thereof or to be deposited to the credit of the appropriation from which the cost thereof is paid;”.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. Section 49(a) of the Arms Control and Disarmament Act is amended to read as follows:

22 USC 2589.

“(a) To carry out the purposes of this Act, there are authorized to be appropriated—

“(1) for fiscal years 1976 and 1977, the sum of \$23,440,000 (and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs); and

“(2) for fiscal year 1978, the sum of \$16,600,000 (and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs);

to remain available until expended. Of the sum authorized to be appropriated by this section for the fiscal year 1978, \$2,000,000 shall be available only for the purpose of furthering the nuclear safeguards programs and activities of the International Atomic Energy Agency.”.

International
Atomic Energy
Agency.

Approved August 17, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS No. 95-219 (Comm. on International Relations) and No. 95-563 (Comm. of Conference).

SENATE REPORT No. 95-193 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 3, considered and passed House.

June 16, considered and passed Senate, amended.

Aug. 4, Senate and House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 34:

Aug. 18, Presidential statement.

Public Law 95-109
95th Congress

An Act

Sept. 20, 1977
[H.R. 5294]

To amend the Consumer Credit Protection Act to prohibit abusive practices by debt collectors.

**Consumer Credit
Protection Act,
amendment.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by adding at the end thereof the following new title:

**Fair Debt
Collection
Practices Act.**

“TITLE VIII—DEBT COLLECTION PRACTICES

“Sec.

“801. Short title.

“802. Findings and purpose.

“803. Definitions.

“804. Acquisition of location information.

“805. Communication in connection with debt collection.

“806. Harassment or abuse.

“807. False or misleading representations.

“808. Unfair practices.

“809. Validation of debts.

“810. Multiple debts.

“811. Legal actions by debt collectors.

“812. Furnishing certain deceptive forms.

“813. Civil liability.

“814. Administrative enforcement.

“815. Reports to Congress by the Commission.

“816. Relation to State laws.

“817. Exemption for State regulation.

“818. Effective date.

15 USC 1601
note.

“§ 801. Short title

“This title may be cited as the ‘Fair Debt Collection Practices Act’.

15 USC 1692.

“§ 802. Findings and purpose

“(a) There is abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. Abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy.

“(b) Existing laws and procedures for redressing these injuries are inadequate to protect consumers.

“(c) Means other than misrepresentation or other abusive debt collection practices are available for the effective collection of debts.

“(d) Abusive debt collection practices are carried on to a substantial extent in interstate commerce and through means and instrumentalities of such commerce. Even where abusive debt collection practices are purely intrastate in character, they nevertheless directly affect interstate commerce.

“(e) It is the purpose of this title to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses.

“§ 803. Definitions

15 USC 1692a.

“As used in this title—

“(1) The term ‘Commission’ means the Federal Trade Commission.

“(2) The term ‘communication’ means the conveying of information regarding a debt directly or indirectly to any person through any medium.

“(3) The term ‘consumer’ means any natural person obligated or allegedly obligated to pay any debt.

“(4) The term ‘creditor’ means any person who offers or extends credit creating a debt or to whom a debt is owed, but such term does not include any person to the extent that he receives an assignment or transfer of a debt in default solely for the purpose of facilitating collection of such debt for another.

“(5) The term ‘debt’ means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

“(6) The term ‘debt collector’ means any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. Notwithstanding the exclusion provided by clause (G) of the last sentence of this paragraph, the term includes any creditor who, in the process of collecting his own debts, uses any name other than his own which would indicate that a third person is collecting or attempting to collect such debts. For the purpose of section 808(6), such term also includes any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the enforcement of security interests. The term does not include—

“(A) any officer or employee of a creditor while, in the name of the creditor, collecting debts for such creditor;

“(B) any person while acting as a debt collector for another person, both of whom are related by common ownership or affiliated by corporate control, if the person acting as a debt collector does so only for persons to whom it is so related or affiliated and if the principal business of such person is not the collection of debts;

“(C) any officer or employee of the United States or any State to the extent that collecting or attempting to collect any debt is in the performance of his official duties;

“(D) any person while serving or attempting to serve legal process on any other person in connection with the judicial enforcement of any debt;

“(E) any nonprofit organization which, at the request of consumers, performs bona fide consumer credit counseling and assists consumers in the liquidation of their debts by receiving payments from such consumers and distributing such amounts to creditors;

“(F) any attorney-at-law collecting a debt as an attorney on behalf of and in the name of a client; and

“(G) any person collecting or attempting to collect any debt owed or due or asserted to be owed or due another to the extent such activity (i) is incidental to a bona fide fiduciary obligation or a bona fide escrow arrangement; (ii) concerns a debt which was originated by such person; (iii) concerns a debt which was not in default at the time it was obtained by such person; or (iv) concerns a debt obtained by such person as a secured party in a commercial credit transaction involving the creditor.

“(7) The term ‘location information’ means a consumer’s place of abode and his telephone number at such place, or his place of employment.

“(8) The term ‘State’ means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any political subdivision of any of the foregoing.

15 USC 1692b.

“§ 804. Acquisition of location information

“Any debt collector communicating with any person other than the consumer for the purpose of acquiring location information about the consumer shall—

“(1) identify himself, state that he is confirming or correcting location information concerning the consumer, and, only if expressly requested, identify his employer;

“(2) not state that such consumer owes any debt;

“(3) not communicate with any such person more than once unless requested to do so by such person or unless the debt collector reasonably believes that the earlier response of such person is erroneous or incomplete and that such person now has correct or complete location information;

“(4) not communicate by post card;

“(5) not use any language or symbol on any envelope or in the contents of any communication effected by the mails or telegram that indicates that the debt collector is in the debt collection business or that the communication relates to the collection of a debt; and

“(6) after the debt collector knows the consumer is represented by an attorney with regard to the subject debt and has knowledge of, or can readily ascertain, such attorney’s name and address, not communicate with any person other than that attorney, unless the attorney fails to respond within a reasonable period of time to communication from the debt collector.

15 USC 1692c.

“§ 805. Communication in connection with debt collection

“(a) COMMUNICATION WITH THE CONSUMER GENERALLY.—Without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction, a debt collector may not communicate with a consumer in connection with the collection of any debt—

“(1) at any unusual time or place or a time or place known or which should be known to be inconvenient to the consumer. In the absence of knowledge of circumstances to the contrary, a debt collector shall assume that the convenient time for communicating with a consumer is after 8 o’clock antimeridian and before 9 o’clock postmeridian, local time at the consumer’s location;

“(2) if the debt collector knows the consumer is represented by an attorney with respect to such debt and has knowledge of, or can readily ascertain, such attorney’s name and address, unless

the attorney fails to respond within a reasonable period of time to a communication from the debt collector or unless the attorney consents to direct communication with the consumer; or

“(3) at the consumer’s place of employment if the debt collector knows or has reason to know that the consumer’s employer prohibits the consumer from receiving such communication.

“(b) **COMMUNICATION WITH THIRD PARTIES.**—Except as provided in section 804, without the prior consent of the consumer given directly to the debt collector, or the express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a postjudgment judicial remedy, a debt collector may not communicate, in connection with the collection of any debt, with any person other than the consumer, his attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, or the attorney of the debt collector.

“(c) **CEASING COMMUNICATION.**—If a consumer notifies a debt collector in writing that the consumer refuses to pay a debt or that the consumer wishes the debt collector to cease further communication with the consumer, the debt collector shall not communicate further with the consumer with respect to such debt, except—

“(1) to advise the consumer that the debt collector’s further efforts are being terminated;

“(2) to notify the consumer that the debt collector or creditor may invoke specified remedies which are ordinarily invoked by such debt collector or creditor; or

“(3) where applicable, to notify the consumer that the debt collector or creditor intends to invoke a specified remedy.

If such notice from the consumer is made by mail, notification shall be complete upon receipt.

“(d) For the purpose of this section, the term ‘consumer’ includes the consumer’s spouse, parent (if the consumer is a minor), guardian, executor, or administrator.

“§ 806. Harassment or abuse

15 USC 1692d.

“A debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

“(1) The use or threat of use of violence or other criminal means to harm the physical person, reputation, or property of any person.

“(2) The use of obscene or profane language or language the natural consequence of which is to abuse the hearer or reader.

“(3) The publication of a list of consumers who allegedly refuse to pay debts, except to a consumer reporting agency or to persons meeting the requirements of section 603(f) or 604(3) of this Act.

“(4) The advertisement for sale of any debt to coerce payment of the debt.

15 USC 1681a, 1681b.

“(5) Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

“(6) Except as provided in section 804, the placement of telephone calls without meaningful disclosure of the caller’s identity.

“§ 807. False or misleading representations

15 USC 1692e.

“A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt.

Without limiting the general application of the foregoing, the following conduct is a violation of this section:

“(1) The false representation or implication that the debt collector is vouched for, bonded by, or affiliated with the United States or any State, including the use of any badge, uniform, or facsimile thereof.

“(2) The false representation of—

“(A) the character, amount, or legal status of any debt; or

“(B) any services rendered or compensation which may be lawfully received by any debt collector for the collection of a debt.

“(3) The false representation or implication that any individual is an attorney or that any communication is from an attorney.

“(4) The representation or implication that nonpayment of any debt will result in the arrest or imprisonment of any person or the seizure, garnishment, attachment, or sale of any property or wages of any person unless such action is lawful and the debt collector or creditor intends to take such action.

“(5) The threat to take any action that cannot legally be taken or that is not intended to be taken.

“(6) The false representation or implication that a sale, referral, or other transfer of any interest in a debt shall cause the consumer to—

“(A) lose any claim or defense to payment of the debt; or

“(B) become subject to any practice prohibited by this title.

“(7) The false representation or implication that the consumer committed any crime or other conduct in order to disgrace the consumer.

“(8) Communicating or threatening to communicate to any person credit information which is known or which should be known to be false, including the failure to communicate that a disputed debt is disputed.

“(9) The use or distribution of any written communication which simulates or is falsely represented to be a document authorized, issued, or approved by any court, official, or agency of the United States or any State, or which creates a false impression as to its source, authorization, or approval.

“(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

“(11) Except as otherwise provided for communications to acquire location information under section 804, the failure to disclose clearly in all communications made to collect a debt or to obtain information about a consumer, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose.

“(12) The false representation or implication that accounts have been turned over to innocent purchasers for value.

“(13) The false representation or implication that documents are legal process.

“(14) The use of any business, company, or organization name other than the true name of the debt collector's business, company, or organization.

“(15) The false representation or implication that documents are not legal process forms or do not require action by the consumer.

“(16) The false representation or implication that a debt collector operates or is employed by a consumer reporting agency as defined by section 603(f) of this Act.

15 USC 1681a.

“§ 808. Unfair practices

15 USC 1692f.

“A debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

“(1) The collection of any amount (including any interest, fee, charge, or expense incidental to the principal obligation) unless such amount is expressly authorized by the agreement creating the debt or permitted by law.

“(2) The acceptance by a debt collector from any person of a check or other payment instrument postdated by more than five days unless such person is notified in writing of the debt collector's intent to deposit such check or instrument not more than ten nor less than three business days prior to such deposit.

“(3) The solicitation by a debt collector of any postdated check or other postdated payment instrument for the purpose of threatening or instituting criminal prosecution.

“(4) Depositing or threatening to deposit any postdated check or other postdated payment instrument prior to the date on such check or instrument.

“(5) Causing charges to be made to any person for communications by concealment of the true purpose of the communication. Such charges include, but are not limited to, collect telephone calls and telegram fees.

“(6) Taking or threatening to take any nonjudicial action to effect dispossession or disablement of property if—

“(A) there is no present right to possession of the property claimed as collateral through an enforceable security interest;

“(B) there is no present intention to take possession of the property; or

“(C) the property is exempt by law from such dispossession or disablement.

“(7) Communicating with a consumer regarding a debt by post card.

“(8) Using any language or symbol, other than the debt collector's address, on any envelope when communicating with a consumer by use of the mails or by telegram, except that a debt collector may use his business name if such name does not indicate that he is in the debt collection business.

“§ 809. Validation of debts

15 USC 1692g.

“(a) Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing—

“(1) the amount of the debt;

“(2) the name of the creditor to whom the debt is owed;

“(3) a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector;

“(4) a statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and

“(5) a statement that, upon the consumer’s written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

“(b) If the consumer notifies the debt collector in writing within the thirty-day period described in subsection (a) that the debt, or any portion thereof, is disputed, or that the consumer requests the name and address of the original creditor, the debt collector shall cease collection of the debt, or any disputed portion thereof, until the debt collector obtains verification of the debt or a copy of a judgment, or the name and address of the original creditor, and a copy of such verification or judgment, or name and address of the original creditor, is mailed to the consumer by the debt collector.

“(c) The failure of a consumer to dispute the validity of a debt under this section may not be construed by any court as an admission of liability by the consumer.

15 USC 1692h.

“§ 810. Multiple debts

“If any consumer owes multiple debts and makes any single payment to any debt collector with respect to such debts, such debt collector may not apply such payment to any debt which is disputed by the consumer and, where applicable, shall apply such payment in accordance with the consumer’s directions.

15 USC 1692i.

“§ 811. Legal actions by debt collectors

“(a) Any debt collector who brings any legal action on a debt against any consumer shall—

“(1) in the case of an action to enforce an interest in real property securing the consumer’s obligation, bring such action only in a judicial district or similar legal entity in which such real property is located; or

“(2) in the case of an action not described in paragraph (1), bring such action only in the judicial district or similar legal entity—

“(A) in which such consumer signed the contract sued upon; or

“(B) in which such consumer resides at the commencement of the action.

“(b) Nothing in this title shall be construed to authorize the bringing of legal actions by debt collectors.

15 USC 1692j.

“§ 812. Furnishing certain deceptive forms

“(a) It is unlawful to design, compile, and furnish any form knowing that such form would be used to create the false belief in a consumer that a person other than the creditor of such consumer is participating in the collection of or in an attempt to collect a debt such consumer allegedly owes such creditor, when in fact such person is not so participating.

“(b) Any person who violates this section shall be liable to the same extent and in the same manner as a debt collector is liable under section 813 for failure to comply with a provision of this title.

“§ 813. Civil liability

15 USC 1692k.

“(a) Except as otherwise provided by this section, any debt collector who fails to comply with any provision of this title with respect to any person is liable to such person in an amount equal to the sum of—

“(1) any actual damage sustained by such person as a result of such failure;

“(2) (A) in the case of any action by an individual, such additional damages as the court may allow, but not exceeding \$1,000; or

“(B) in the case of a class action, (i) such amount for each named plaintiff as could be recovered under subparagraph (A), and (ii) such amount as the court may allow for all other class members, without regard to a minimum individual recovery, not to exceed the lesser of \$500,000 or 1 per centum of the net worth of the debt collector; and

“(3) in the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney’s fee as determined by the court. On a finding by the court that an action under this section was brought in bad faith and for the purpose of harassment, the court may award to the defendant attorney’s fees reasonable in relation to the work expended and costs.

“(b) In determining the amount of liability in any action under subsection (a), the court shall consider, among other relevant factors—

“(1) in any individual action under subsection (a) (2) (A), the frequency and persistence of noncompliance by the debt collector, the nature of such noncompliance, and the extent to which such noncompliance was intentional; or

“(2) in any class action under subsection (a) (2) (B), the frequency and persistence of noncompliance by the debt collector, the nature of such noncompliance, the resources of the debt collector, the number of persons adversely affected, and the extent to which the debt collector’s noncompliance was intentional.

“(c) A debt collector may not be held liable in any action brought under this title if the debt collector shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

“(d) An action to enforce any liability created by this title may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within one year from the date on which the violation occurs.

Jurisdiction.

“(e) No provision of this section imposing any liability shall apply to any act done or omitted in good faith in conformity with any advisory opinion of the Commission, notwithstanding that after such act or omission has occurred, such opinion is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

“§ 814. Administrative enforcement

15 USC 1692l.

“(a) Compliance with this title shall be enforced by the Commission, except to the extent that enforcement of the requirements imposed under this title is specifically committed to another agency under subsection (b). For purpose of the exercise by the Commission of its functions and powers under the Federal Trade Commission Act, a violation of this title shall be deemed an unfair or deceptive act or practice in violation of that Act. All of the functions and powers of

15 USC 58.

- 15 USC 58. the Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act, including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of a Federal Trade Commission trade regulation rule.
- “(b) Compliance with any requirements imposed under this title shall be enforced under—
- 12 USC 1818. “(1) section 8 of the Federal Deposit Insurance Act, in the case of—
- “(A) national banks, by the Comptroller of the Currency;
- “(B) member banks of the Federal Reserve System (other than national banks), by the Federal Reserve Board; and
- “(C) banks the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation;
- 12 USC 1464. “(2) section 5(d) of the Home Owners Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17
- 12 USC 1730. of the Federal Home Loan Bank Act, by the Federal Home Loan
- 12 USC 1426, 1437. Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions;
- 12 USC 1751. “(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any Federal credit union;
- “(4) the Acts to regulate commerce, by the Interstate Commerce Commission with respect to any common carrier subject to those Acts;
- 49 USC 1301 note. “(5) the Federal Aviation Act of 1958, by the Civil Aeronautics Board with respect to any air carrier or any foreign air carrier subject to that Act; and
- 7 USC 181. “(6) the Packers and Stockyards Act, 1921 (except as provided
- 7 USC 226, 227. in section 406 of that Act), by the Secretary of Agriculture with respect to any activities subject to that Act.
- “(c) For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this title any other authority conferred on it by law, except as provided in subsection (d).
- “(d) Neither the Commission nor any other agency referred to in subsection (b) may promulgate trade regulation rules or other regulations with respect to the collection of debts by debt collectors as defined in this title.
- 15 USC 1692m. **“§ 815. Reports to Congress by the Commission**
- “(a) Not later than one year after the effective date of this title and at one-year intervals thereafter, the Commission shall make reports to the Congress concerning the administration of its functions under this title, including such recommendations as the Commission deems necessary or appropriate. In addition, each report of the Commission shall include its assessment of the extent to which compliance with this title

is being achieved and a summary of the enforcement actions taken by the Commission under section 814 of this title.

“(b) In the exercise of its functions under this title, the Commission may obtain upon request the views of any other Federal agency which exercises enforcement functions under section 814 of this title.

“§ 816. Relation to State laws

15 USC 1692a.

“This title does not annul, alter, or affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to debt collection practices, except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency. For purposes of this section, a State law is not inconsistent with this title if the protection such law affords any consumer is greater than the protection provided by this title.

“§ 817. Exemption for State regulation

15 USC 1692a.

“The Commission shall by regulation exempt from the requirements of this title any class of debt collection practices within any State if the Commission determines that under the law of that State that class of debt collection practices is subject to requirements substantially similar to those imposed by this title, and that there is adequate provision for enforcement.

“§ 818. Effective date

15 USC 1692
note.

“This title takes effect upon the expiration of six months after the date of its enactment, but section 809 shall apply only with respect to debts for which the initial attempt to collect occurs after such effective date.”.

Approved September 20, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-131 (Comm. on Banking, Finance, and Urban Affairs).
SENATE REPORT No. 95-382 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 4, considered and passed House.

Aug. 5, considered and passed Senate, amended.

Sept. 8, House agreed to Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 39:

Sept. 20, Presidential statement.

Public Law 95-110
95th Congress

An Act

Sept. 20, 1977
[S. 1153]

To abolish the Joint Committee on Atomic Energy and to reassign certain functions and authorities thereof, and for other purposes.

Atomic Energy
Act of 1954,
amendment.
42 USC 2011.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atomic Energy Act of 1954 (Public Law 83-703), as amended, is amended by adding at the end thereof the following new chapter:

“CHAPTER 20. JOINT COMMITTEE ON ATOMIC ENERGY
ABOLISHED; FUNCTIONS AND RESPONSIBILITIES
REASSIGNED

42 USC 2258.

“SEC. 301. JOINT COMMITTEE ON ATOMIC ENERGY ABOLISHED.—

“a. The Joint Committee on Atomic Energy is abolished.

“b. Any reference in any rule, resolution, or order of the Senate or the House of Representatives or in any law, regulation, or Executive order to the Joint Committee on Atomic Energy shall, on and after the date of enactment of this section, be considered as referring to the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the subject matter of such reference.

Records, transfer.

“c. All records, data, charts, and files of the Joint Committee on Atomic Energy are transferred to the committees of the Senate and House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the subject matters to which such records, data, charts, and files relate. In the event that any record, data, chart, or file shall be within the jurisdiction of more than one committee, duplicate copies shall be provided upon request.

“SEC. 302. TRANSFERS OF CERTAIN FUNCTIONS OF THE JOINT COMMITTEE ON ATOMIC ENERGY AND CONFORMING AMENDMENTS TO CERTAIN OTHER LAWS.—

Repeal.
42 USC 2251 *et*
seq.

“a. Effective on the date of enactment of this section, chapter 17 of this Act is repealed.

Repeal.
42 USC 2315.

“b. Section 103 of the Atomic Energy Community Act of 1955, as amended, is repealed.

31 USC 1302.

“c. Section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by—

“(1) striking the subsection designation ‘(a)’; and

“(2) repealing subsection (b).

Repeal.

Repeal.
2 USC 190j.
42 USC 2259.

“d. Section 252(a) (3) of the Legislative Reorganization Act of 1970 is repealed.

“SEC. 303. INFORMATION AND ASSISTANCE TO CONGRESSIONAL COMMITTEES.—

“a. The Secretary of Energy and the Nuclear Regulatory Commission shall keep the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the functions of the Secretary or the Commission, fully and currently informed with respect to the activities of the Secretary and the Commission.

“b. The Department of Defense and Department of State shall keep the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over national security considerations of nuclear energy, fully and currently informed with respect to such matters within the Department of Defense and Department of State relating to national security considerations of nuclear technology which are within the jurisdiction of such committees.

“c. Any Government agency shall furnish any information requested by the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the development, utilization, or application of nuclear energy, with respect to the activities or responsibilities of such agency in the field of nuclear energy which are within the jurisdiction of such committees.

“d. The committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the development, utilization, or application of nuclear energy, are authorized to utilize the services, information, facilities, and personnel of any Government agency which has activities or responsibilities in the field of nuclear energy which are within the jurisdiction of such committees: *Provided, however,* That any utilization of personnel by such committees shall be on a reimbursable basis and shall require, with respect to committees of the Senate, the prior written consent of the Committee on Rules and Administration, and with respect to committees of the House of Representatives, the prior written consent of the Committee on House Administration.”.

SEC. 2. (a) The table of contents of the Atomic Energy Act of 1954 is amended—

- (1) by striking out the items relating to chapter 17; and
- (2) by adding at the end thereof the following:

“CHAPTER 20. JOINT COMMITTEE ON ATOMIC ENERGY ABOLISHED; FUNCTIONS AND RESPONSIBILITIES REASSIGNED

“Sec. 301. Joint Committee on Atomic Energy Abolished.

“Sec. 302. Transfers of Certain Functions of the Joint Committee on Atomic Energy and Conforming Amendments to Certain Other Laws.

“Sec. 303. Information and Assistance to Congressional Committees.”.

(b) The table of contents of the Atomic Energy Community Act of 1955 is amended by striking out the item relating to section 103.

Approved September 20, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 31, considered and passed Senate.

Aug. 5, considered and passed House, amended; Senate agreed to House amendments.

Public Law 95-111
95th Congress

An Act

Sept. 21, 1977
[H.R. 7933]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1978, and for other purposes.

Department of
Defense
Appropriation
Act, 1978.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1978, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere); \$8,741,800,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; \$6,169,662,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); \$1,918,400,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; \$7,199,900,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3019, and 3033 of title 10, United States Code, or while undergoing reserve training or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, as authorized by law; \$555,600,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Naval Reserve on active duty under section 265 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, as authorized by law; \$206,075,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, as authorized by law; \$78,700,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8019, and 8033 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Air Reserve Officers' Training Corps, as authorized by law; \$171,400,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 265, 3033 or 3496 of title 10 or section 708 of title 32, United States Code, or while undergoing training, or while performing drills or equivalent duty, as authorized by law; \$782,500,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 265, 8033, or 8496 of title 10 or section 708 of title 32, United States Code, or while undergoing training, or while performing drills or equivalent duty, as authorized by law; \$231,800,000.

TITLE II

RETIRED MILITARY PERSONNEL

RETIRED PAY, DEFENSE

For retired pay and retirement pay, as authorized by law, of military personnel on the retired lists of the Army, Navy, Marine Corps, and the Air Force, including the reserve components thereof, retainer pay for personnel of the Inactive Fleet Reserve, and payments under section 4 of Public Law 92-425 and chapter 73 of title 10, United States Code; \$9,010,000,000.

10 USC 1448
note.
10 USC 1431 *et*
seq.

TITLE III

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$3,219,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; \$8,139,413,000, of which not less than \$490,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$1,507,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; \$10,743,263,000, of which not less than \$275,000,000 shall be available only for the maintenance of real property facilities: *Provided*, That of the total amount of this appropriation made available for the alteration, overhaul, and repair of naval vessels, not more than \$2,000,000,000 shall be available for the performance of such work in Navy shipyards of which not less than \$22,000,000 shall be available for such work only at the Ship Repair Facilities, Guam: *Provided further*, That such amounts of the funds available for work only at the Ship Repair Facilities, Guam, may be used for work in other Navy shipyards in amounts equal to the amount of work placed at the Ship Repair Facilities, Guam, funded from other sources.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; \$615,628,000, of which not less than \$86,650,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$2,538,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; \$8,335,279,000, of which not less than \$509,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments and the Defense Civil Preparedness Agency), as authorized by law, \$2,827,574,000: *Provided*, That not to exceed \$3,743,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That not less than \$38,600,000 of the total amount of this appropriation shall be available only for the maintenance of real property facilities: *Provided further*, That \$845,662,000 shall be available only for the Defense Logistics Agency and \$614,583,000 shall be available only for the Civilian Health and Medical Program of the Uniformed Services: *Provided further*, That during fiscal year 1978 the Department of Defense may guarantee loans pursuant to Title III of the Defense Production Act of 1950 as amended (50 U.S.C., Appendix 2091, 64 Stat. 800) in an amount not to exceed \$5,000,000: *Provided further*, That of this appropriation, not more than \$350,000 may be obligated to support the personnel and activities of the Assistant Secretary of Defense for Health Affairs prior to February 1, 1978.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$380,796,000, of which not less than \$23,050,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$316,290,000, of which not less than \$13,600,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$16,528,000, of which not less than \$900,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$374,349,000, of which not less than \$11,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); \$745,666,000, of which not less than \$17,500,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while

inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; \$825,207,000, of which not less than \$18,000,000 shall be available only for the maintenance of real property facilities.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses, in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; and the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; \$365,000, of which amount not to exceed \$7,500 shall be available for incidental expenses of the National Board; and from other funds provided in this Act, not to exceed \$329,000 worth of ammunition may be issued under authority of title 10, United States Code, section 4311.

CLAIMS, DEFENSE

For payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions), including claims for damages arising under training contracts with carriers, and repayment of amounts determined by the Secretary concerned, or officers designated by him, to have been erroneously collected from military and civilian personnel of the Department of Defense, or from States, territories, or the District of Columbia, or members of the National Guard units thereof; \$82,500,000.

CONTINGENCIES, DEFENSE

For emergency and extraordinary expenses arising in the Department of Defense, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes; \$2,500,000.

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; \$1,735,000.

SECRETARY OF DEFENSE READINESS FUND

For transfer by the Secretary of Defense to any appropriation contained in title III of this Act, to be merged with and to be available for the same purpose as the appropriation to which transferred upon determination by the Secretary of Defense that funds are necessary for high priority items directly associated with maintaining or improving military readiness of the active forces or reserve components of the Department of Defense, and in no case for items or programs for which funds have been denied or reduced by the Congress; \$100,000,000: *Provided*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority: *Provided further*, That transfer authority provided herein shall be in addition to that provided in section 833 of this Act.

Funds, transfer
and merger.

Notice to
Congress.

TITLE IV
PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

40 USC 255.

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$657,100,000, to remain available for obligation until September 30, 1980.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$536,883,000, to remain available for obligation until September 30, 1980.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT
VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,421,200,000, to remain available for obligation until September 30, 1980.

PROCUREMENT OF AMMUNITION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized in military construction authorization Acts, and the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,179,300,000, and in addition, \$57,500,000, of which \$37,200,000 shall be derived by transfer from "Procurement of Ammunition, Army, 1976/1978", and \$20,300,000 which shall be derived by transfer from "Procurement of Ammunition, Army, 1977/1979", to remain available for obligation until September 30, 1980. 40 USC 255.

OTHER PROCUREMENT, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed two thousand five hundred and sixteen passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,403,325,000, and in addition, \$2,700,000 which shall be derived by transfer from "Other Procurement, Army, 1977/1979", to remain available for obligation until September 30, 1980.

OTHER PROCUREMENT, ARMY, 1973/1975

(LIQUIDATION OF DEFICIENCY)

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Other Procurement, Army, 1973/1975", for liquidation of obligations incurred and chargeable to that account, \$21,000,000, to be derived by transfer from "Aircraft Procurement, Army, 1975/1977", \$8,000,000, from "Missile Procurement, Army, 1975/1977", \$8,000,000, and from "Procurement of Ammunition, Army, 1975/1977", \$5,000,000.

AIRCRAFT PROCUREMENT, NAVY

(INCLUDING TRANSFER OF FUNDS)

40 USC 255. For construction, procurement, production, modification, and modernization of aircraft, equipment including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$3,479,000,000, to remain available for obligation until September 30, 1980.

WEAPONS PROCUREMENT, NAVY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$2,181,900,000, and in addition, \$52,700,000, of which \$4,565,000 shall be derived by transfer from "Weapons Procurement, Navy, 1976/1978", \$25,435,000 shall be derived by transfer from "Weapons Procurement, Navy, 1977/1978", and \$22,700,000 shall be derived by transfer from "Weapons Procurement, Navy, 1977/1979", to remain available for obligation until September 30, 1980.

SHIPBUILDING AND CONVERSION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended, as follows: for the Trident submarine program, \$1,703,200,000; for the SSN-688 nuclear attack submarine program, \$278,500,000; for the CGN-42 nuclear-powered AEGIS cruiser program, \$180,000,000; for the aircraft carrier service life extension program, \$30,000,000; for the DDG-47 guided missile destroyer program, \$930,000,000; for the DDG-2 guided missile destroyer modernization program, \$94,500,000; for the DD-963 program, \$310,000,000; for the

FFG-7 guided missile frigate program, \$1,163,300,000, and in addition, \$42,000,000 to be derived by transfer from "Shipbuilding and Conversion, Navy, 1977/1981"; for the AO fleet oiler program, \$322,700,000; for the T-ATF fleet ocean tug program, \$52,700,000; for craft, outfitting, post delivery and cost growth on prior year programs, \$695,600,000; in all: \$5,760,500,000, and in addition, \$42,000,000 in transfer as hereinbefore provided, to remain available for obligation until September 30, 1982: *Provided*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

(INCLUDING TRANSFER OF FUNDS)

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed eight hundred and seventy-one passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$2,176,410,000, and in addition, \$10,000,000 which shall be derived by transfer from "Other Procurement, Navy, 1977/1979", to remain available for obligation until September 30, 1980. 40 USC 255.

PROCUREMENT, MARINE CORPS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and vehicles for the Marine Corps, including purchase of not to exceed one hundred and eighty-eight passenger motor vehicles for replacement only; \$440,400,000, and in addition, \$9,800,000 which shall be derived by transfer from "Procurement, Marine Corps, 1977/1979", to remain available for obligation until September 30, 1980.

AIRCRAFT PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private

40 USC 255.

plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$6,262,000.000, of which \$62,000,000 shall be available only for the procurement of C-130H aircraft for the Air National Guard, and in addition, \$34,400,000, of which \$15,100,000 shall be derived by transfer from "Aircraft Procurement, Air Force, 1976/1978", and \$19,300,000 shall be derived by transfer from "Other Procurement, Air Force, 1977/1979", to remain available for obligation until September 30, 1980.

MISSILE PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$1,700,600,000, and in addition, \$44,600,000 which shall be derived by transfer from "Missile Procurement, Air Force, 1977/1979", to remain available for obligation until September 30, 1980.

OTHER PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed one thousand one hundred and thirty-nine passenger motor vehicles for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; \$2,337,345,000, and in addition, \$4,800,000 which shall be derived by transfer from "Other Procurement, Air Force, 1977/1979", to remain available for obligation until September 30, 1980.

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments and the Defense Civil Preparedness Agency) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed two hundred and forty-five passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; \$327,826,000, to remain available for obligation until September 30, 1980. 40 USC 255.

TITLE V

RESEARCH, DEVELOPMENT, TEST, AND
EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$2,417,882,000, of which \$13,481,000 shall be available for food research programs, to remain available for obligation until September 30, 1979.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$3,991,791,000: *Provided*, That none of the funds appropriated for the Shipboard Intermediate Range Combat System program shall be available unless expended in compliance with existing acquisition policies and procedures prescribed in Office of Management and Budget Circular A-109, to remain available for obligation until September 30, 1979.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$3,917,766,000, to remain available for obligation until September 30, 1979.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE
AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments and the Defense Civil Preparedness Agency), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to

Funds,
transfer and
merger.

law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$745,278,000, to remain available for obligation until September 30, 1979: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs to be merged with and to be available for the same time period as the appropriation to which transferred.

DIRECTOR OF TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director of Defense Test and Evaluation in the direction and supervision of test and evaluation, including initial operational testing and evaluation; and performance of joint testing and evaluation; and administrative expenses in connection therewith; \$25,000,000, to remain available for obligation until September 30, 1979.

TITLE VI

SPECIAL FOREIGN CURRENCY PROGRAM

For payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for expenses in carrying out programs of the Department of Defense, as authorized by law; \$2,480,000, to remain available for obligation until September 30, 1979: *Provided*, That this appropriation shall be available in addition to other appropriations to such Department, for payments in the foregoing currencies.

TITLE VII

WORKING CAPITAL FUNDS

ARMY STOCK FUND

For the Army stock fund, \$100,000,000.

NAVY STOCK FUND

For the Navy stock fund, \$30,000,000.

MARINE CORPS STOCK FUND

For the Marine Corps stock fund, \$1,900,000.

AIR FORCE STOCK FUND

For the Air Force stock fund, \$34,600,000.

DEFENSE STOCK FUND

For the Defense Agencies stock fund, \$4,300,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 801. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Publicity or
propaganda.

SEC. 802. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 3109 of title 5, United States Code, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

Experts or
consultants.

SEC. 803. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

Noncitizens,
employment.
31 USC 700.

SEC. 804. Appropriations contained in this Act shall be available for insurance of official motor vehicles in foreign countries, when required by laws of such countries; payments in advance of expenses determined by the investigating officer to be necessary and in accord with local custom for conducting investigations in foreign countries incident to matters relating to the activities of the department concerned; reimbursement of General Services Administration for security guard services for protection of confidential files; and all necessary expenses, at the seat of government of the United States of America or elsewhere, in connection with communication and other services and supplies as may be necessary to carry out the purposes of this Act.

SEC. 805. Any appropriation available to the Army, Navy, or the Air Force may, under such regulations as the Secretary concerned may prescribe, be used for expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Army, Navy, or Air Force custody whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation.

Prisoners
of war.
31 USC 649a.

SEC. 806. Appropriations available to the Department of Defense for the current fiscal year for maintenance or construction shall be available for acquisition of land or interest therein as authorized by section 2672 or 2675 of title 10, United States Code.

Land acquisition.

SEC. 807. Appropriations for the Department of Defense for the current fiscal year shall be available, (a) except as authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for primary and secondary schooling for minor dependents of military and civilian personnel of the Department of Defense residing on military or naval installations or stationed in foreign countries, as authorized for the Navy by section 7204 of title 10, United States Code, in an amount not exceeding \$266,750,000, when the Secretary of Defense finds that schools, if any, available in the locality, are unable to provide adequately for the education of such dependents: *Provided*, That under such regulations as may be issued by the Secretary of Defense, such schooling in a school operated by the Department of Defense under

Dependents'
schooling.

this section may be provided without tuition for minor dependents of civilian and military personnel of the Department of Defense who died while entitled to compensation or active duty pay: *Provided further*, That where such personnel die subsequent to January 11, 1971, such schooling must be continued or commenced within one year after the date of death; (b) for expenses in connection with administration of occupied areas; (c) for payment of rewards as authorized for the Navy by section 7209(a) of title 10, United States Code, for information leading to the discovery of missing naval property or the recovery thereof; (d) for payment of deficiency judgments and interests thereon arising out of condemnation proceedings; (e) for leasing of buildings and facilities including payment of rentals for special purpose space at the seat of government, and in the conduct of field exercises and maneuvers or, in administering the provisions of title 43, United States Code, section 315q, rentals may be paid in advance; (f) payments under contracts for maintenance of tools and facilities for twelve months beginning at any time during the fiscal year; (g) maintenance of defense access roads certified as important to national defense in accordance with section 210 of title 23, United States Code; (h) for the purchase of milk for enlisted personnel of the Department of Defense heretofore made available pursuant to section 1446a, title 7, United States Code, and the cost of milk so purchased, as determined by the Secretary of Defense, shall be included in the value of the commuted ration; (i) transporting civilian clothing to the home of record of selective service inductees and recruits on entering the military services; (j) payments under leases for real or personal property for twelve months beginning at any time during the fiscal year; and (k) pay and allowances of not to exceed nine persons, including personnel detailed to International Military Headquarters and Organizations, at rates provided for under section 625(d)(1) of the Foreign Assistance Act of 1961, as amended.

SEC. 808. Appropriations for the Department of Defense for the current fiscal year shall be available for: (a) donations of not to exceed \$25 to each prisoner upon each release from confinement in military or contract prison and to each person discharged for fraudulent enlistment; (b) authorized issues of articles to prisoners, applicants for enlistment and persons in military custody; (c) subsistence of selective service registrants called for induction, applicants for enlistment, prisoners, civilian employees as authorized by law, and supernumeraries when necessitated by emergent military circumstances; (d) reimbursement for subsistence of enlisted personnel while sick in hospitals; (e) expenses of prisoners confined in nonmilitary facilities; (f) military courts, boards, and commissions; (g) utility services for buildings erected at private cost, as authorized by law, and buildings on military reservations authorized by regulations to be used for welfare and recreational purposes; (h) exchange fees, and losses in the accounts of disbursing officers or agents in accordance with law; (i) expenses of Latin American cooperation as authorized for the Navy by law (10 U.S.C. 7208); (j) expenses of apprehension and delivery of deserters, prisoners, and members absent without leave, including payment of rewards of not to exceed \$25 in any one case; and (k) expenses of arrangements with foreign countries for cryptologic support.

SEC. 809. Insofar as practicable, the Secretary of Defense shall assist American small business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by making available or causing to be made available

Deficiency judgments.
Leasing.

Tools, maintenance.
Access roads.

Milk program.

22 USC 2385.
Incidental expenses, payment.
10 USC 858 note.

10 USC 807 note.

Small business assistance.

to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by making available or causing to be made available to purchasing and contracting agencies of the Department of Defense information as to commodities and services produced and furnished by small independent enterprises in the United States, and by otherwise helping to give small business an opportunity to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

SEC. 810. No appropriation contained in this Act shall be available for expenses of operation of messes (other than organized messes the operating expenses of which are financed principally from nonappropriated funds) at which meals are sold to officers or civilians, except under regulations approved by the Secretary of Defense, which shall (except under unusual or extraordinary circumstances) establish rates for such meals sufficient to provide reimbursements of operating expenses and food costs to the appropriations concerned: *Provided*, That officers and civilians in a travel status receiving a per diem allowance in lieu of subsistence shall be charged at the rate of not less than \$2.50 per day: *Provided further*, That for the purposes of this section payments for meals at the rates established hereunder may be made in cash or by deduction from the pay of civilian employees: *Provided further*, That members of organized nonprofit youth groups sponsored at either the national or local level, when extended the privilege of visiting a military installation and permitted to eat in the general mess by the commanding officer of the installation, shall pay the commuted ration cost of such meal or meals.

Mess operations.

SEC. 811. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Fiscal year
limitation.

SEC. 812. Appropriations of the Department of Defense available for operation and maintenance may be reimbursed during the current fiscal year for all expenses involved in the preparation for disposal and for the disposal of military supplies, equipment, and materiel, and for all expenses of production of lumber or timber products pursuant to section 2665 of title 10, United States Code, from amounts received as proceeds from the sale of any such property: *Provided*, That a report of receipts and disbursements under this limitation shall be made quarterly to Congress: *Provided further*, That no funds available to agencies of the Department of Defense shall be used for the operation, acquisition, or construction of new facilities or equipment for new facilities in the continental limits of the United States for metal scrap baling or shearing or for melting or sweating aluminum scrap unless the Secretary of Defense or an Assistant Secretary of Defense designated by him determines, with respect to each facility involved, that the operation of such facility is in the national interest.

Report to
Congress.
50 USC 100a.

SEC. 813. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense.

Funds,
apportionment,
exemption.

31 USC 665.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).

Airborne alert
expenses.

Active duty
military
personnel
increases.

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty subject to existing laws beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).

Monthly
reports to
Congress.

(d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).

Commissary
stores.

SEC. 814. No appropriation contained in this Act shall be available in connection with the operation of commissary stores of the agencies of the Department of Defense for the cost of purchase (including commercial transportation in the United States to the place of sale but excluding all transportation outside the United States) and maintenance of operating equipment and supplies, and for the actual or estimated cost of utilities as may be furnished by the Government and of shrinkage, spoilage, and pilferage of merchandise under the control of such commissary stores, except as authorized under regulations promulgated by the Secretaries of the military departments concerned with the approval of the Secretary of Defense, which regulations shall provide for reimbursement therefor to the appropriations concerned and, notwithstanding any other provision of law, shall provide for the adjustment of the sales prices in such commissary stores to the extent necessary to furnish sufficient gross revenue from sales of commissary stores to make such reimbursement: *Provided*, That under such regulations as may be issued pursuant to this section all utilities may be furnished without cost to the commissary stores outside the continental United States and in Alaska: *Provided further*, That no appropriation contained in this Act shall be available in connection with the operation of commissary stores within the continental United States unless the Secretary of Defense has certified that items normally procured from commissary stores are not otherwise available at a reasonable distance and a reasonable price in satisfactory quality and quantity to the military and civilian employees of the Department of Defense.

Free utilities
outside U.S.
and in Alaska.

Proficiency
flying.

SEC. 815. No part of the appropriations in this Act shall be available for any expense of operating aircraft under the jurisdiction of the armed forces for the purpose of proficiency flying, as defined in Department of Defense Directive 1340.4, except in accordance with regulations prescribed by the Secretary of Defense. Such regulations (1) may not require such flying except that required to maintain proficiency in anticipation of a member's assignment to combat operations and (2) such flying may not be permitted in cases of members who have been assigned to a course of instruction of ninety days or more.

Household goods.

SEC. 816. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in any one shipment having a net weight in excess of thirteen thousand five hundred pounds.

Vessels, transfer.
40 USC 483a.

SEC. 817. Vessels under the jurisdiction of the Department of Commerce, the Department of the Army, the Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any such agencies upon

the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

SEC. 818. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of civilian components or summer-camp training of the Reserve Officers' Training Corps.

Obligated
funds, limitation.

SEC. 819. During the current fiscal year the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

Foreign real
property, use.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: *Provided*, That the foregoing authority shall not be available for the conversion of heating plants from coal to oil at defense facilities in Europe: *Provided further*, That within thirty days after the end of each quarter the Secretary of Defense shall render to Congress and to the Office of Management and Budget a full report of such property, supplies, and commodities received during such quarter.

31 USC 700a.

SEC. 820. During the current fiscal year, appropriations available to the Department of Defense for research and development may be used for the purposes of section 2353 of title 10, United States Code, and for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the service concerned.

Quarterly report
to Congress and
OMB.

Research and
development
funds.

SEC. 821. No appropriation contained in this Act shall be available for the payment of more than 75 per centum of charges of educational institutions for tuition or expenses of off-duty training of military personnel, nor for the payment of any part of tuition or expenses for such training for commissioned personnel who do not agree to remain on active duty for two years after completion of such training.

Education
expenses,
limitation.

SEC. 822. No part of the funds appropriated herein shall be expended for the support of any formally enrolled student in basic courses of the senior division, Reserve Officers' Training Corps, who has not executed a certificate of loyalty or loyalty oath in such form as shall be prescribed by the Secretary of Defense.

ROTC loyalty
requirements.
10 USC 2103
note.

SEC. 823. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding \$10,000, shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or specialty metals including stainless steel flatware, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that a satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric

Procurement
limitations.

or coated synthetic fabric, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing herein shall preclude the procurement of specialty metals produced outside the United States or its possessions when such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or where such procurement is necessary in furtherance of the standardization and interoperability of equipment requirements within NATO so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act and with section 814 of the Department of Defense Appropriation Authorization Act, 1976: *Provided further*, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions: *Provided further*, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations: *Provided further*, That none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

22 USC 2776.
89 Stat. 540.

Service facilities.

SEC. 824. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or drycleaning facility in the United States, its territories or possessions, as to which the Secretary of Defense does not certify in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

Airmail reimbursement.

SEC. 825. During the current fiscal year, appropriations of the Department of Defense shall be available for reimbursement to the United States Postal Service for payment of costs of commercial air transportation of military mail between the United States and foreign countries.

Furnishings and automobiles, purchase.

SEC. 826. Appropriations contained in this Act shall be available for the purchase of household furnishings, and automobiles from military and civilian personnel on duty outside the continental United States, for the purpose of resale at cost to incoming personnel, and for providing furnishings, without charge, in other than public quarters occupied by military or civilian personnel of the Department of Defense on duty outside the continental United States or in Alaska, upon a determination, under regulations approved by the Secretary of Defense, that such action is advantageous to the Government.

Uniforms.

SEC. 827. During the current fiscal year, appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901; 80 Stat. 508).

Legislative liaison activities.

SEC. 828. Funds provided in this Act for legislative liaison activities of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of

Defense shall not exceed \$6,900,000 for fiscal year 1978: *Provided*, That this amount shall be available for apportionment to the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense as determined by the Secretary of Defense.

SEC. 829. Of the funds made available by this Act for the services of the Military Airlift Command, \$100,000,000 shall be available only for procurement of commercial transportation service from carriers participating in the civil reserve air fleet program; and the Secretary of Defense shall utilize the services of such carriers which qualify as small businesses to the fullest extent found practicable: *Provided*, That the Secretary of Defense shall specify in such procurement, performance characteristics for aircraft to be used based upon modern aircraft operated by the civil air fleet.

Civil reserve
air fleet.

SEC. 830. During the current fiscal year, appropriations available to the Department of Defense for operation may be used for civilian clothing, not to exceed \$40 in cost for enlisted personnel: (1) discharged for misconduct, unfitness, unsuitability, or otherwise than honorably; (2) sentenced by a civil court to confinement in a civil prison or interned or discharged as an alien enemy; or (3) discharged prior to completion of recruit training under honorable conditions for dependency, hardship, minority, disability, or for the convenience of the Government.

Civilian clothing.

SEC. 831. No part of the funds appropriated herein shall be available for paying the costs of advertising by any defense contractor, except advertising for which payment is made from profits, and such advertising shall not be considered a part of any defense contract cost. The prohibition contained in this section shall not apply with respect to advertising conducted by any such contractor, in compliance with regulations which shall be promulgated by the Secretary of Defense, solely for (1) the recruitment by the contractor of personnel required for the performance by the contractor of obligations under a defense contract, (2) the procurement of scarce items required by the contractor for the performance of a defense contract, or (3) the disposal of scrap or surplus materials acquired by the contractor in the performance of a defense contract.

Defense
contractors'
advertising costs,
limitation.

SEC. 832. Funds appropriated in this Act for maintenance and repair of facilities and installations shall not be available for acquisition of new facilities, or alteration, expansion, extension, or addition of existing facilities, as defined in Department of Defense Directive 7040.2, dated January 18, 1961, in excess of \$75,000: *Provided*, That the Secretary of Defense may amend or change the said directive during the current fiscal year, consistent with the purpose of this section.

New facilities,
limitation.

SEC. 833. During the current fiscal year, upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$750,000,000 of the appropriations or funds available to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the

Funds, transfer.

Notice to
Congress.

Contract payments in foreign countries.	Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority.
Working capital fund.	SEC. 834. None of the funds appropriated in this Act may be used to make payments under contracts for any program, project, or activity in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee, certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.
Transfers.	SEC. 835. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: <i>Provided</i> , That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that transfers between a stock fund account and an industrial fund account may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.
Notification to Congress.	SEC. 836. (a) The Secretary of Defense shall require all prime contractors receiving contract awards of \$500,000 or more from the Department of Defense to file a report with the Secretary at the end of the year showing the amount of Department of Defense work (in terms of dollars) each such contractor had performed by subcontractors during such year and to identify the State or States in which each subcontractor performed the work subcontracted to it.
Prime contractors, report. 10 USC 2304 note.	(b) The Secretary of Defense shall submit a report annually to the Congress showing, on a State-by-State basis, the total amount of Department of Defense funds paid to subcontractors, during the year for which the report is submitted, by the prime contractors described in subsection (a).
Annual report to Congress.	SEC. 837. No part of the funds appropriated under this Act shall be used to pay salaries of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.
Convicted rioters.	SEC. 838. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass, or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.
Campus disrupters.	SEC. 839. None of the funds available to the Department of Defense shall be utilized for the conversion of heating plants from coal to oil at defense facilities in Europe.
Heating plant conversion.	SEC. 840. None of the funds appropriated by this Act shall be available for any research involving uninformed or nonvoluntary human beings as experimental subjects.
Involuntary experimental subjects.	SEC. 841. Appropriations for the current fiscal year for operation and maintenance of the active forces shall be available for medical

and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel, except elective private treatment); welfare and recreation; hire of passenger motor vehicles; repair of facilities; modification of personal property; design of vessels; industrial mobilization; installation of equipment in public and private plants; military communications facilities on merchant vessels; acquisition of services, special clothing, supplies, and equipment; and expenses for the Reserve Officers' Training Corps and other units at educational institutions.

SEC. 842. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for the reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

Funds,
reprogramming.

SEC. 843. No funds appropriated in this Act shall be available to pay claims for nonemergency inpatient hospital care provided under the Civilian Health and Medical Program of the Uniformed Services for services available at a facility of the uniformed services within a 40-mile radius of the patient's residence.

Health program,
limitations.

SEC. 844. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services under the provisions of section 1079(a) of title 10, United States Code, shall be available for (a) services of pastoral counselors, or family and child counselors, or marital counselors unless the patient has been referred to such counselor by a medical doctor for treatment of a specific problem with results of that treatment to be communicated back to the physician who made such referral; (b) special education, except when provided as secondary to the active psychiatric treatment on an institutional inpatient basis; (c) therapy or counseling for sexual dysfunctions or sexual inadequacies; (d) treatment of obesity when obesity is the sole or major condition treated; or (e) reconstructive surgery justified solely on psychiatric needs including, but not limited to, mammary augmentation, face lifts, and sex gender changes; (f) reimbursement of any physician or other authorized individual provider of medical care in excess of the seventy-fifth percentile of the customary charges made for similar services in the same locality where the medical care was furnished; or (g) any service or supply which is not medically or psychologically necessary to diagnose and treat a mental or physical illness, injury, or bodily malfunction as diagnosed by a physician, dentist, or a clinical psychologist, as appropriate, except as authorized by section 1079(a)(4) of Title 10, United States Code.

SEC. 845. Funds appropriated in this Act shall be available for the appointment, pay, and support of persons appointed as cadets and midshipmen in the two-year Senior Reserve Officers' Training Corps course in excess of the 20 percent limitation on such persons imposed by section 2107(a) of title 10, United States Code, but not to exceed 60 percent of total authorized scholarships.

SEC. 846. None of the funds appropriated in this Act shall be available for the operation and support of more than four Naval districts as established by sections 5221 and 5222, title 10, United States Code, after June 30, 1977.

SEC. 847. None of the funds appropriated by this Act shall be available to pay any member of the uniformed service for unused accrued leave pursuant to section 501 of title 37, United States Code, for more

Unused accrued
leave.

than sixty days of such leave, less the number of days for which payment was previously made under section 501 after February 9, 1976.

Claim payments.
Report to
Congress.

SEC. 848. None of the funds appropriated in this Act may be used to pay any claim over \$5,000,000 against the United States, unless such claim has been thoroughly examined and evaluated by officials of the Department of Defense responsible for determining such claims and a report is made to the Congress as to the validity of these claims.

Enlisted aides,
limitation.

SEC. 849. None of the funds appropriated by this Act may be used to support more than 300 enlisted aides for officers in the United States Armed Forces.

Public affairs
activities.

SEC. 850. No appropriation contained in this Act may be used to pay for the cost of public affairs activities of the Department of Defense in excess of \$25,000,000.

22 USC 2777.
22 USC 2761.

SEC. 851. None of the funds provided in this Act shall be available for the planning or execution of programs which utilize amounts credited, during the current fiscal year, to Department of Defense appropriations or funds pursuant to the provisions of section 37 (a) of the Arms Export Control Act representing payment for the actual value of defense articles specified in section 21(a)(1) of that Act: *Provided*, That such amounts so credited shall be deposited in the Treasury as miscellaneous receipts as provided in 31 U.S.C. 484.

Base operating
support
functions.

SEC. 852. (a) None of the funds appropriated by this Act may be used to (1) convert base operating support functions, excluding real property maintenance and repair, to commercial contract during the period October 1, 1977, through September 30, 1978, or (2) to fund continued performance during fiscal year 1978 of base operating support contracts, excluding real property maintenance and repair, awarded between the date of enactment of this Act and September 30, 1977, which convert base operating support activities performed by employees of the Government of the United States to commercial contract.

(b) None of the funds appropriated by this Act may be obligated for commercial contracts to be physically performed at an installation or facility including leased facilities for the following types of work: (1) weapons system engineering and logistical support; (2) ship, aircraft, missile, automotive and tracked vehicle intermediate level maintenance or depot maintenance; or (3) research, development, test, and evaluation, if the work to be physically performed at an installation or facility during fiscal year 1978 by commercial contracts would result in a reduction of employees of the Government of the United States at that installation or facility.

SEC. 853. None of the funds appropriated by this Act or available in any working capital fund of the Department of Defense shall be available to pay the expenses attributable to lodging of any person on official business away from his designated post of duty, or in the case of an individual described under section 5703 of title 5, United States Code, his home or regular place of duty, when adequate government quarters are available, but are not occupied by such person.

Medical care.

SEC. 854. During the current fiscal year, for the purpose of conducting a test to evaluate a capitation approach to providing medical care and to that end for the purpose of providing adequate funds in Department of Defense Medical Regions 1 and 9 for medical care, including the expenses of the Civilian Health and Medical Program of the Uniformed Services, funds available to the Department of Defense in the appropriation "Operation and Maintenance, Defense Agencies" for expenses of the Civilian Health and Medical Program of the

Uniformed Services may be transferred to appropriations available to the military departments for operation and maintenance, and funds available to the military departments for operation and maintenance may be transferred between such appropriations: *Provided*, That funds transferred pursuant to this authority shall be merged with and made available for the same purpose as the appropriation to which transferred: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority: *Provided further*, That transfer authority provided herein shall be in addition to that provided in section 833 of this Act.

Transfers, notice
to Congress.

SEC. 855. Effective October 1, 1977, no appropriation contained in this Act shall be available to fund any costs of a Senior Reserve Officers' Training Corps unit—except to complete training of personnel enrolled in Military Science 4—which in its junior year class (Military Science 3) has for the four preceding academic years, and as of September 30, 1977, enrolled less than (a) seventeen students where the institution prescribes a four-year or a combination four- and two-year program; or (b) twelve students where the institution prescribes a two-year program: *Provided*, That, notwithstanding the foregoing limitation, funds shall be available to maintain one Senior Reserve Officers' Training Corps unit in each State and at each State-operated maritime academy: *Provided further*, That units under the consortium system shall be considered as a single unit for purposes of evaluation of productivity under this provision.

Senior ROTC
unit, limitation.
Effective date.

SEC. 856. (a) None of the funds appropriated by this Act shall be available to pay the retainer pay of any enlisted member of the Regular Navy, the Naval Reserve, the Regular Marine Corps, or the Marine Corps Reserve who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of title 10, United States Code, on or after December 31, 1977, if the provisions of section 6330 (d) of title 10, are utilized in determining such member's eligibility for retirement under section 6330(b) of title 10: *Provided*, That notwithstanding the foregoing, time creditable as active service for a completed minority enlistment, and an enlistment terminated within three months before the end of the term of enlistment under section 6330(d) of title 10, prior to December 31, 1977, may be utilized in determining eligibility for retirement.

Enlisted members,
transfer;
retainer pay.

(b) None of the funds appropriated by this Act shall be available to pay that portion of the retainer pay of any enlisted member of the Regular Navy, the Naval Reserve, the Regular Marine Corps, or the Marine Corps Reserve who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of title 10, United States Code, on or after December 31, 1977, which is attributable under section 6330(d) of title 10 to time which, after December 31, 1977, is not actually served by such member.

SEC. 857. None of the funds appropriated in this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year.

CIA programs,
fiscal year
limitation.

SEC. 858. None of the funds appropriated in this Act may be used for the consolidation or realignment of advanced undergraduate pilot training squadrons of the Navy as currently proposed by the Department of Defense.

Pilot training
squadrons.

SEC. 859. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of unobligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

SEC. 860. The appropriation, "Shipbuilding and Conversion, Navy", which would expire for obligation on September 30, 1977, shall remain available for obligation until September 30, 1979.

SEC. 861. None of the funds appropriated in this Act may be used to support more than 10,201 full-time and 2,603 part-time military personnel assigned to or used in the support of Morale, Welfare and Recreation activities as described in Department of Defense Instruction 7000.12 and its enclosures, dated July 17, 1974.

TITLE IX

RELATED AGENCIES

INTELLIGENCE COMMUNITY STAFF

For necessary expenses for the Intelligence Community Staff, \$8,950,000.

PAYMENT TO THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY FUND

For payment to the Central Intelligence Agency Retirement and Disability Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$35,100,000.

OFFICE OF FEDERAL PROCUREMENT POLICY

For expenses of the Office of Federal Procurement Policy, \$1,000,000: *Provided*, That upon enactment of this Act, this amount shall be transferred to and merged with appropriations provided under the same head in the Treasury, Postal Service and General Government Appropriations Act, 1978.

Short title.

This Act may be cited as the "Department of Defense Appropriation Act, 1978".

Approved September 21, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-451 (Comm. on Appropriations) and No. 95-565 (Comm. on Conference).

SENATE REPORT No. 95-325 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 24, 28, 30, considered and passed House.

July 18, 19, considered and passed Senate, amended.

Sept. 8, House agreed to conference report; receded and concurred in Senate amendments with amendments.

Sept. 9, Senate agreed to conference report and concurred in House amendments.

Public Law 95-112
95th Congress

An Act

To extend certain programs under the Elementary and Secondary Education Act of 1965 for one year, and for other purposes.

Sept. 24, 1977
[S. 1752]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Education Amendments of 1977”.

Education
Amendments of
1977.
20 USC 821 note.

EXTENSION OF CERTAIN PROGRAMS UNDER THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 2. (a) (1) Section 102 of the Elementary and Secondary Education Act of 1965 (hereinafter in this section referred to as the “Act”) is amended by striking out “September 30, 1978” and inserting in lieu thereof “September 30, 1979”.

20 USC 241b.

(2) Section 125 of the Act is amended by striking out “October 1, 1978” and inserting in lieu thereof “October 1, 1979”.

20 USC 241c-5.

(3) Section 148(c) of the Act is amended by striking out “October 1, 1978” and inserting in lieu thereof “October 1, 1979”.

20 USC 241i.

(b) (1) Section 201(b) of the Act is amended by striking out “each of the five succeeding fiscal years” and inserting in lieu thereof “for each succeeding fiscal year ending prior to October 1, 1979”.

20 USC 821.

(2) Section 204(b) of the Act is amended by striking out “July 1, 1978” and inserting in lieu thereof “October 1, 1979”.

20 USC 824.

(c) (1) (A) Section 301(b) of the Act is amended by striking out “each of the five succeeding fiscal years” and inserting in lieu thereof “for each succeeding fiscal year ending prior to October 1, 1979”.

20 USC 841.

(B) The second sentence of such section 301(b) is amended by striking out “each of the five succeeding fiscal years” and inserting in lieu thereof “for each succeeding fiscal year ending prior to October 1, 1979”.

(2) Section 305(c) of the Act is amended by striking out “October 1, 1978” and inserting in lieu thereof “October 1, 1979”.

20 USC 844a.

(3) Section 309(c) of the Act is amended by striking out “October 1, 1978” and inserting in lieu thereof “October 1, 1979”.

20 USC 847a.

(d) (1) Section 401(a) (1) of the Act is amended by striking out “each of the two succeeding fiscal years” and inserting in lieu thereof “each succeeding year ending prior to October 1, 1979”.

20 USC 1801.

(2) Section 401(b) (1) of the Act is amended by striking out “each of the two succeeding fiscal years” and inserting in lieu thereof “each succeeding fiscal year ending prior to October 1, 1979”.

(3) Section 401(d) of the Act is amended by striking out “the fiscal year ending September 30, 1978” and inserting in lieu thereof “each fiscal year ending prior to October 1, 1979”.

(e) (1) Section 501(b) of the Act is amended by striking out “each of the five succeeding fiscal years” and inserting in lieu thereof “each succeeding fiscal year ending prior to October 1, 1979”.

20 USC 861.

(2) Section 521(b) of the Act is amended by striking out “each of the five succeeding fiscal years” and inserting in lieu thereof “each succeeding fiscal year ending prior to October 1, 1979”.

20 USC 866.

(3) Section 531(b) of the Act is amended by striking out “each of the five succeeding fiscal years” and inserting in lieu thereof “each succeeding fiscal year ending prior to October 1, 1979”.

20 USC 867.

- 20 USC 868. (4) Section 541 of the Act is amended by inserting the following new subsection:
 “(c)(1) Notwithstanding any other provision of law the National Council established by subsection (a) of this section shall continue to exist until October 1, 1979.”
- Ante*, p. 911. “(2) Notwithstanding the provisions of section 401(b) there are authorized to be appropriated such sums as may be necessary to carry out the provisions of subsection (a) of this section.”
- 20 USC 887. (f)(1) Section 807(c) of the Act is amended by striking out “each of the five succeeding fiscal years” and inserting in lieu thereof “each succeeding fiscal year ending prior to October 1, 1979”.
- 20 USC 887a. (2) Section 808(d) of the Act is amended by striking out “each of the five succeeding fiscal years” and inserting in lieu thereof “each succeeding fiscal year ending prior to October 1, 1979”.
- 20 USC 887d. (3) Section 811(d) of the Act is amended by striking out “July 1, 1978” and inserting in lieu thereof “October 1, 1979”.

EXTENSION OF ADULT EDUCATION ACT

- 20 USC 1208a. SEC. 3. (a)(1) Section 310(b) of the Adult Education Act is amended by striking out “1978” and inserting in lieu thereof “1979”.
- 20 USC 1209. (2) Section 311(b) of such Act is amended by striking out “1978” and inserting in lieu thereof “1979”.
- 20 USC 1211. (b) Section 313(a) of such Act is amended by striking out “for each of the fiscal years ending June 30, 1977, and June 30, 1978” and inserting in lieu thereof “for the fiscal year ending September 30, 1977, and for each of the succeeding fiscal years ending prior to October 1, 1979”.
- 20 USC 1211a. (c) Section 314(d) of such Act is amended by striking out “July 1, 1978” and inserting in lieu thereof “October 1, 1979”.

EXTENSION OF TITLE III OF THE NATIONAL DEFENSE EDUCATION ACT
OF 1958

- 20 USC 441. SEC. 4. The first sentence of section 301 of the National Defense Education Act of 1958 is amended by striking out “September 30, 1978” and inserting in lieu thereof “September 30, 1979”.

EXTENSION OF APPROPRIATIONS PROVISION

- 20 USC 1225. SEC. 5. Section 412(b) of the General Education Provisions Act is amended by striking out “October 1, 1978” and inserting in lieu thereof “October 1, 1979”.

Approved September 24, 1977.

LEGISLATIVE HISTORY:

SENATE REPORT No. 95-392 (Comm. on Human Resources).
 CONGRESSIONAL RECORD, Vol. 123 (1977):
 Sept. 7, considered and passed Senate.
 Sept. 12, considered and passed House.

Public Law 95-113
95th Congress

An Act

To provide price and income protection for farmers and assure consumers of an abundance of food and fiber at reasonable prices, and for other purposes.

Sept. 29, 1977

[S. 275]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the “Food and Agriculture Act of 1977”.

Food and
Agriculture Act
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7 USC 1281 note.

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- Sec. 1806. Advisory committee charter requirements—operating costs.
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- Sec. 1808. Budget prohibitions.
- Sec. 1809. Termination of advisory committees.

TITLE XIX—EFFECTIVE DATE

- Ses. 1901. Effective date.

TITLE I—PAYMENT LIMITATION FOR WHEAT, FEED
GRAINS, UPLAND COTTON, AND RICE

PAYMENT LIMITATION

SEC. 101. Notwithstanding any other provision of law—

7 USC 1308.

(1) The total amount of payments which a person shall be entitled to receive under—

7 USC 1421 note.
7 USC 1281.

(A) one or more of the annual programs established under the Agricultural Act of 1949, as amended, and the Agricultural Adjustment Act of 1938, as amended, for wheat, feed grains, and upland cotton shall not exceed \$40,000 for the 1978 crop and \$45,000 for the 1979 crop:

(B) the annual rice program established under such Acts shall not exceed \$52,250 for the 1978 crop and \$50,000 for the 1979 crop: and

(C) one or more of the annual programs established under such Acts for wheat, feed grains, upland cotton, and rice shall not exceed \$50,000 for each of the 1980 and 1981 crops.

“Payments.”

(2) The term “payments” as used in this section shall not include loans or purchases, or any part of any payment which is determined by the Secretary of Agriculture to represent compensation for disaster loss or resource adjustment (excluding land diversion payments) or public access for recreation.

(3) If the Secretary determines that the total amount of payments which will be earned by any person under the program in effect for any crop will be reduced under this section, the set-aside acreage for the farm or farms on which such person will be sharing in payments earned under such program shall be reduced to such extent and in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

“Person.”
Rules and
regulations.

(4) The Secretary shall issue regulations defining the term “person” and prescribing such rules as the Secretary determines necessary to assure a fair and reasonable application of such limitation: *Provided*, That the provisions of this section which limit payments to any person shall not be applicable to lands owned by States, political subdivisions, or agencies thereof, so long as such lands are farmed primarily in the direct furtherance of a public function, as determined by the Secretary. The rules for determining whether corporations and their stockholders may be considered as separate persons shall be in accordance with the regulations issued by the Secretary on December 18, 1970, under section 101 of the Agricultural Act of 1970.

Post, p. 919.

FAMILY FARMS

7 USC 2266.

SEC. 102. (a) Congress hereby specifically reaffirms the historical policy of the United States to foster and encourage the family farm system of agriculture in this country. Congress firmly believes that the maintenance of the family farm system of agriculture is essential to the social well-being of the Nation and the competitive production of adequate supplies of food and fiber. Congress further believes that any significant expansion of nonfamily owned large-scale corporate farming enterprises will be detrimental to the national welfare. It is neither the policy nor the intent of Congress that agricultural and agriculture-related programs be administered exclusively for family farm operations, but it is the policy and the express intent of Congress that no such program be administered in a manner that will place the family farm operation at an unfair economic disadvantage.

Annual report to
Congress.
Contents.

(b) In order that Congress may be better informed regarding the status of the family farm system of agriculture in the United States, the Secretary of Agriculture shall submit to Congress, not later than July 1 of each year, a written report containing current information on trends in family farm operations and comprehensive national and State-by-State data on nonfamily farm operations in the United States. The Secretary shall also include in each such report (1) information on how existing agricultural and agriculture-related programs

are being administered to enhance and strengthen the family farm system of agriculture in the United States, (2) an assessment of how Federal laws may encourage the growth of nonfamily farm operations, and (3) such other information as the Secretary deems appropriate or determines would aid Congress in protecting, preserving, and strengthening the family farm system of agriculture in the United States.

STUDY ON PROHIBITING PAYMENTS TO CERTAIN LEGAL ENTITIES

SEC. 103. In furtherance of the policy stated in section 102 of this Act, the Secretary of Agriculture shall conduct a study and report to Congress no later than January 1, 1979, on the impact on participation in the wheat, feed grain, cotton, and rice programs and the production of such commodities in carrying out a statutory provision such as that included in the Food and Agriculture Act of 1977, as passed by the Senate on May 24, 1977, prohibiting the making of payments to certain corporations and other entities under such programs. The study shall, in addition, assess the impact of extending the prohibition against making commodity program payments to tenants on land owned by such corporations and other entities which would be excluded from payments under such a provision. The study shall utilize, to the greatest extent possible, the information on commodity program payments compiled by the Agricultural Stabilization and Conservation Service in determining payment eligibility under section 101 of the Agricultural Act of 1970, as amended, and section 101 of this Act. The Secretary may collect such other information as may be necessary to determine the impact of such a statutory provision and to identify the number and characteristics of producers that would be affected by such a provision.

Report to
Congress.
7 USC 2266 note.

Infra.

CONFORMING AMENDMENT

SEC. 104. Section 101(1) of the Agricultural Act of 1970, as amended, is amended to read as follows:

“(1) The total amount of payments which a person shall be entitled to receive under one or more of the annual programs established by titles IV, V, and VI of this Act for the 1974 through 1976 crops of the commodities and by titles IV and V of the Food and Agriculture Act of 1977 and titles IV, V, and VI of this Act for the 1977 crop of the commodities shall not exceed \$20,000.”.

Payments,
limitation.
7 USC 1307.

TITLE II—DAIRY AND BEEKEEPER PROGRAMS

DAIRY BASE PLANS

SEC. 201. Section 201(e) of the Agricultural Act of 1970, as amended, is amended to read as follows:

“(e) The provisions of this section shall not be effective after December 31, 1981, except with respect to orders providing for class I base plans issued prior to such date, but in no event shall any order so issued extend or be effective beyond December 31, 1984.”.

7 USC 608c note.

PRODUCER HANDLERS

SEC. 202. The legal status of producer handlers of milk under the provisions of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, shall be the same subsequent to the adoption of the amendment made by the Food and Agriculture Act of 1977 as it was prior thereto.

7 USC 608c note.

7 USC 601 note.

MILK PRICE SUPPORT

7 USC 1446.
Post, p. 949.

SEC. 203. Section 201 of the Agricultural Act of 1949, as amended, is amended by—

(1) striking out the second sentence in subsection (c) and inserting in lieu thereof a new sentence as follows: “Notwithstanding the foregoing, effective for the period beginning on the effective date of the Food and Agriculture Act of 1977 and ending March 31, 1979, the price of milk shall be supported at not less than 80 per centum of the parity price therefor.”; and

Adjustments.

(2) adding at the end thereof a new subsection (d) as follows: “(d) Effective for the period beginning on the effective date of the Food and Agriculture Act of 1977 and ending March 31, 1981, the support price of milk shall be adjusted by the Secretary at the beginning of each semiannual period after the beginning of the marketing year to reflect any estimated change in the parity index during such semiannual period. The Secretary is authorized to adjust the support price of milk at the beginning of each remaining quarter in the marketing year to reflect any substantial change in the parity index during such quarterly period. Any adjustment under this subsection shall be announced by the Secretary not more than thirty days prior to the beginning of the period to which it is applicable.”.

Announcement.

TRANSFER OF DAIRY PRODUCTS TO THE MILITARY AND VETERANS HOSPITALS

7 USC 1446a.

SEC. 204. Section 202 of the Agricultural Act of 1949, as amended, is amended by striking out “1977” in subsections (a) and (b) and inserting in lieu thereof “1981”.

DAIRY INDEMNITY PROGRAM

7 USC 450j.

SEC. 205. The Act of August 13, 1968 (82 Stat. 750, as amended; 7 U.S.C. 450 j, k, and l), is amended by—

(1) inserting after the first sentence a new sentence as follows: “The Secretary is also authorized to make indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of this section if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer: *Provided*, That no indemnity payment may be made for contamination resulting from such residues of chemicals or toxic substances if the Secretary determines within thirty days after the date of application for payment that other legal recourse is available to the farmer.”; and

7 USC 450l.

(2) striking out “June 30, 1977” in section 3 and inserting in lieu thereof “September 30, 1981”.

STANDARD OF QUALITY FOR ICE CREAM

Regulation.
 7 USC 1622.

SEC. 206. Section 203(c) of the Agricultural Marketing Act of 1946 is amended by adding at the end thereof the following: “Within thirty days after the enactment of the Food and Agriculture Act of 1977, the Secretary shall by regulation adopt a standard of quality for ice cream which shall provide that ice cream shall contain at least 1.6 pounds of

total solids to the gallon, weigh not less than 4.5 pounds to the gallon and contain not less than 20 percent total milk solids, constituted of not less than 10 percent milkfat. In no case shall the content of milk solids not fat be less than 6 percent. Whey shall not, by weight, be more than 25 percent of the milk solids not fat. Only those products which meet the standard issued by the Secretary may bear a symbol thereon indicating that they meet the Department of Agriculture standard for 'ice cream'."

BEEKEEPER INDEMNITY PROGRAM

SEC. 207. Section 804(f) of the Agricultural Act of 1970, as amended, is amended by striking out "December 31, 1977" and inserting in lieu thereof "September 30, 1981". 7 USC 135b note.

TITLE III—WOOL AND MOHAIR

DECLARATION OF POLICY

SEC. 301. Section 702 of the National Wool Act of 1954, as amended, is amended to read as follows: 7 USC 1781.

"SEC. 702. It is hereby recognized that wool is an essential, strategic, and energy-efficient commodity which is not produced in the United States in sufficient quantities and grades to meet the domestic needs; and that the desired domestic production of wool is impaired by predatory animals and by the depressing effects of wide fluctuations in the price of wool in the world markets. It is hereby declared to be the policy of Congress, as a measure of national security and to promote the general economic welfare, a positive balance of trade, and the efficient use of the Nation's resources, to encourage the continued domestic production of wool at prices fair to both producers and consumers in a manner which will assure a viable domestic wool industry in the future."

EXTENSION OF ACT; SUPPORT PRICE

SEC. 302. Section 703 of the National Wool Act of 1954, as amended, is amended by— 7 USC 1782.

(1) striking out "1977" in subsection (a) and inserting in lieu thereof "1981";

(2) striking out "1977" in subsection (b) and inserting in lieu thereof "1976";

(3) inserting immediately before the period at the end of subsection (b) a new proviso as follows: " : *Provided further*, That for the marketing years beginning January 1, 1977, and ending December 31, 1981, the support price for shorn wool shall be 85 per centum (rounded to the nearest full cent) of the amount calculated according to the foregoing formula"; and

(4) striking out "1977" in subsection (c) and inserting in lieu thereof "1976".

TITLE IV—WHEAT

LOAN RATES AND TARGET PRICES FOR THE 1977 THROUGH 1981 CROPS

SEC. 401. Effective only for the 1977 through 1981 crops of wheat, the Agricultural Act of 1949, as amended, is amended to add subsections (a) through (c) to new section 107A as follows:

"SEC. 107A. Notwithstanding any other provision of law—

7 USC 1445b.

Loans and
purchases.

Reduction.

Payments.

Computation.

Established
prices.

“(a) The Secretary shall make available to producers loans and purchases at such level, not less than \$2.25 per bushel for the 1977 crop of wheat and \$2.35 per bushel for each of the 1978 through 1981 crops of wheat, nor, in the case of each of the 1977 through 1981 crops, in excess of 100 per centum of parity, as the Secretary determines will maintain its competitive relationship to other grains in domestic and export markets: *Provided*, That if the Secretary determines that the average price of wheat received by producers in any marketing year is not more than 105 per centum of the level of loans and purchases for wheat for such marketing year, the Secretary may reduce the level of loans and purchases for wheat for the next marketing year by the amount the Secretary determines necessary to maintain domestic and export markets for grain, except that the level of loans and purchases shall not be reduced by more than 10 per centum in any year nor below \$2.00 per bushel.

“(b) (1) (A) In addition, the Secretary shall make available to producers payments for each of the 1977 through 1981 crops of wheat in an amount computed as provided in this subsection. Payments for the 1977 crop shall be computed by multiplying (i) the payment rate, by (ii) the allotment for the farm for such crop, by (iii) the projected yield established for the farm for such crop with such adjustments as the Secretary determines necessary to provide a fair and equitable yield. Payments for each of the 1978 through 1981 crops shall be computed by multiplying (i) the payment rate, by (ii) the farm program acreage for the crop, by (iii) the farm program payment yield for the crop. In no event shall payments be made under this paragraph for any of the 1978 through 1981 crops on a greater acreage than the acreage actually planted to wheat.

“(B) The payment rate for wheat shall be the amount by which the higher of—

“(i) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

“(ii) the loan level determined under subsection (a) of this section for such crop

is less than the established price per bushel. The established price for wheat shall be \$2.90 per bushel for the 1977 crop and \$3.00 per bushel for the 1978 crop: *Provided*, That for the 1977 crop, the established price shall be \$2.47 per bushel with respect to any acreage not planted to wheat within the wheat acreage allotment: *Provided further*, That for the 1978 crop, the established price shall be \$3.05 per bushel if the 1978 crop of wheat is 1.8 billion bushels or less. For the 1979 crop, the established price shall be \$3.00 per bushel adjusted to reflect any change in (i) the average adjusted cost of production for the two crop years immediately preceding the 1979 crop year from (ii) the average adjusted cost of production for the two crop years immediately preceding the 1978 crop year. For the 1980 and 1981 crops, the established price shall be the established price for the previous year's crop adjusted to reflect any change in (i) the average adjusted cost of production for the two crop years immediately preceding the year for which the determination is made from (ii) the average adjusted cost of production for the two crop years immediately preceding the year previous to the one for which the determination is made. The adjusted cost of production for each of such years shall be determined by the Secretary on the basis of such information as the Secretary finds necessary and appropriate for the purpose and shall be limited to (i) vari-

able costs, (ii) machinery ownership costs, and (iii) general farm overhead costs, allocated to the crops involved on the basis of the proportion of the value of the total production derived from each crop.

“(C) Notwithstanding the foregoing provisions of this section, in the event the Secretary adjusts the level of loans and purchases for wheat in accordance with the proviso in subsection (a) of this section, the Secretary shall provide emergency compensation by increasing the established price payments for wheat by such amount as the Secretary determines necessary to provide the same total return to producers as if the adjustment in the level of loans and purchases had not been made: *Provided*, That any such increase in established price payments shall not be included in the payments subject to limitation under the provisions of section 101 of the Food and Agriculture Act of 1977.

Emergency compensation.

“(D) The total quantity on which payments would otherwise be payable to a producer on a farm for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (2) of this subsection.

“(2) (A) Effective only with respect to the 1978 and 1979 crops of wheat, if the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage intended for wheat to wheat or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make a prevented planting disaster payment to the producers on the number of acres so affected but not to exceed the acreage planted to wheat for harvest (including any acreage which the producers were prevented from planting to wheat or other nonconserving crop in lieu of wheat because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year, multiplied by 75 per centum of the farm program payment yield established by the Secretary times a payment rate equal to 33½ per centum of the established price per bushel for wheat.

Prevented planting disaster payments.

“(B) Effective only with respect to the 1978 and 1979 crops of wheat, if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of wheat which the producers are able to harvest on any farm is less than the result of multiplying 60 per centum of the farm program payment yield established by the Secretary for such crop by the acreage planted for harvest for such crop, the Secretary shall make a farm disaster payment to the producers at a rate equal to 50 per centum of the established price for the crop for the deficiency in production below 60 per centum for the crop.

Farm disaster payments.

“(C) In the case of the 1977 crop of wheat, disaster payments for prevented planting shall be computed as provided in section 107 of this Act, as amended for the 1974 through 1977 crops by the Agriculture and Consumer Protection Act of 1973, and disaster payments for low yield shall be computed in accordance with the formula provided in subparagraph (B) of this paragraph: *Provided*, That producers may elect to receive disaster payments for low yield computed as provided in section 107 of this Act, as amended for the 1974 through 1977 crops by the Agriculture and Consumer Protection Act of 1973: *Provided further*, That no disaster payments for low yield may be made under this paragraph prior to October 1, 1977.

Computation.

7 USC 1445a.

“(c) The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.”

PROGRAM ACREAGES AND PAYMENT YIELDS; SET-ASIDE PROGRAM

SEC. 402. Effective only for the 1978 through 1981 crops of wheat, the Agricultural Act of 1949, as amended, is amended by adding subsections (d) through (i) to section 107A to read as follows:

Ante, p. 921.
Proclamation.

“(d) (1) The Secretary shall proclaim a national program acreage for each of the 1978 through 1981 crops of wheat. The proclamation shall be made not later than August 15 of each calendar year for the crop harvested in the next succeeding calendar year, except that in the case of the 1978 crop the proclamation shall be made as soon as practicable after enactment of the Food and Agriculture Act of 1977. The Secretary may revise the national program acreage first proclaimed for any crop year for the purpose of determining the allocation factor under paragraph (2) of this subsection if the Secretary determines it necessary based upon the latest information, and the Secretary shall proclaim such revised national program acreage as soon as it is made. The national program acreage for wheat shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of wheat are excessive or an increase in stocks is needed to assure desirable carryover, the Secretary may adjust the national program acreage by the amount the Secretary determines will accomplish the desired increase or decrease in carryover stocks.

Revision.

Adjustment.

Program
allocation factor.

“(2) The Secretary shall determine a program allocation factor for each crop of wheat. The allocation factor for wheat shall be determined by dividing the national program acreage for the crop by the number of acres which the Secretary estimates will be harvested for such crop: *Provided*, That in no event shall the allocation factor for any crop of wheat be more than 100 per centum nor less than 80 per centum.

“(3) The individual farm program acreage for each crop of wheat shall be determined by multiplying the allocation factor by the acreage of wheat planted for harvest on the farms for which individual farm program acreages are required to be determined: *Provided*, That the wheat acreage eligible for payments shall not be further reduced by application of the allocation factor if the producers reduce the acreage of wheat planted for harvest on the farm from the previous year by at least the percentage recommended by the Secretary in the proclamation of the national program acreage made not later than August 15 prior to the year in which the crop is harvested, or in the case of the 1978 crop, the proclamation first made after enactment of the Food and Agriculture Act of 1977. The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of wheat planted for harvest is less than for the preceding year, but the reduction is insufficient to exempt the farm from the application of the allocation factor. In establishing the allocation factor for wheat, the Secretary is authorized to make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this paragraph.

Payment yield.

“(e) The farm program payment yield for each crop of wheat shall be the yield established for the farm for the previous crop year, adjusted by the Secretary to provide a fair and equitable yield. If no

payment yield for wheat was established for the farm in the previous crop year, the Secretary is authorized to determine such yield as the Secretary finds fair and reasonable. Notwithstanding the foregoing provisions of this subsection, in the determination of yields, the Secretary shall take into account the actual yields proved by the producer, and neither such yields nor the farm program payment yield established on the basis of such yields shall be reduced under other provisions of this subsection. If the Secretary determines it necessary, the Secretary may establish national, State, or county program payment yields on the basis of historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period, or, if such data are not available, on the Secretary's estimate of actual yields for the crop year involved. In the event national, State, or county program payment yields are established, the farm program payment yields shall balance to the national, State, or county program payment yields.

“(f) (1) The Secretary shall provide for a set-aside of cropland if the Secretary determines that the total supply of wheat will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. The Secretary shall announce any such set-aside not later than August 15 prior to the year in which the crop is harvested, except that in the case of the 1978 crop, the announcement shall be made as soon as practicable after enactment of the Food and Agriculture Act of 1977. If a set-aside of cropland is in effect under this subsection, then as a condition of eligibility for loans, purchases, and payments authorized by this section, the producers on a farm must set aside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, of the acreage of wheat planted for harvest for the crop year for which the set-aside is in effect. The Secretary may limit the acreage planted to wheat. Such limitation shall be applied on a uniform basis to all wheat-producing farms. The set-aside acreage shall be devoted to conservation uses, in accordance with regulations issued by the Secretary, which will assure protection of such acreage from weeds and wind and water erosion: however, the Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of the set-aside acreage to be devoted to sweet sorghum, hay, and grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, oats, rye, or other commodity, if the Secretary determines that such production is needed to provide an adequate supply, is not likely to increase the cost of the price support program, and will not adversely affect farm income.

“(2) The Secretary may make land diversion payments to producers of wheat, whether or not a set-aside for wheat is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of wheat to desirable goals. Such land diversion payments shall be made to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers. The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines

Cropland set-aside.

Announcement.

Acreage limitation.

Land diversion payments.

Contracts, bids.

appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

- Wildlife habitats.** “(3) The set-aside acreage and the additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of the foregoing sentence. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.
- Payments.**
- Adjustments.** “(4) The Secretary may make such adjustments in individual set-aside acreages under this section as the Secretary determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography, and such other factors as the Secretary deems necessary.
- Agreement, filing.** “(5) If the operator of the farm desires to participate in the program formulated under this subsection, the operator shall file an agreement to do so no later than such date as the Secretary may prescribe. Loans, purchases, and payments under this section shall be made available to producers on such farm only if the producers set aside and devote to approved soil conserving uses an acreage on the farm equal to the number of acres which the operator agrees to set aside and devote to approved soil conserving uses, and the agreement shall so provide. The Secretary may, by mutual agreement with the producers, terminate or modify any such agreement entered into pursuant to this subsection if the Secretary determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of agricultural commodities.
- Termination or modification.** “(g) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the default.
- Regulations.** “(h) The Secretary is authorized to issue such regulations as the Secretary determines necessary to carry out the provisions of this section.
- “(i) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.”

NONAPPLICABILITY OF CERTIFICATE REQUIREMENTS

7 USC 1379d
note.
7 USC
1379d-1379j.

SEC. 403. Sections 379d, 379e, 379f, 379g, 379h, 379i, and 379j of the Agricultural Adjustment Act of 1938 (which deal with marketing certificate requirements for processors and exporters) shall not be appli-

cable to wheat processors or exporters during the period July 1, 1973, through May 31, 1982.

SUSPENSION OF MARKETING QUOTAS AND PRODUCER CERTIFICATE PROVISIONS

SEC. 404. Sections 331, 332, 333, 334, 335, 336, 338, 339, 379b, and 379c of the Agricultural Adjustment Act of 1938, as amended, shall not be applicable to the 1978 through 1981 crops of wheat.

7 USC 1331 note.

7 USC

1331-1333,

1334, 1335,

1336, 1338,

1339, 1379b,

1379c.

7 USC 1385.

FINALITY OF DETERMINATIONS

SEC. 405. Effective only for the 1978 through 1981 crops, section 385 of the Agricultural Adjustment Act of 1938, as amended, is amended by amending the first sentence to read as follows: "The facts constituting the basis for any Soil Conservation Act payment, any payment under the wheat, feed grain, upland cotton, and rice programs authorized by the Agricultural Act of 1949 and this Act, any loan, or price support operation, or the amount thereof, when officially determined in conformity with the applicable regulations prescribed by the Secretary or by the Commodity Credit Corporation, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government."

7 USC 1421 note.

SUSPENSION OF QUOTA PROVISIONS

SEC. 406. Public Law 74, Seventy-seventh Congress (55 Stat. 203, as amended) shall not be applicable to the crops of wheat planted for harvest in the calendar years 1978 through 1981.

7 USC 1330 note.

7 USC 1330,

1340.

APPLICATION OF TERMS IN THE AGRICULTURAL ACT OF 1949

SEC. 407. Section 408(k) of the Agricultural Act of 1949, as added by the Agricultural Act of 1970, as amended, to be effective for the 1971 through 1977 crops, shall be effective for the 1978 through 1981 crops, and shall read as follows:

7 USC 1428.

"REFERENCES TO TERMS MADE APPLICABLE TO WHEAT AND FEED GRAINS

"(k) References made in sections 402, 403, 406, and 416 to the terms 'support price', 'level of support', and 'level of price support' shall be considered to apply as well to the level of loans and purchases for wheat and feed grains under this Act; and references made to the terms 'price support', 'price support operations', and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan and purchase operations for wheat and feed grains under this Act."

Post, p. 956.

7 USC 1736,

1431.

Post, p. 956.

COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS FOR WHEAT AND FEED GRAINS

SEC. 408. Effective only with respect to the marketing years for the 1978 through 1981 crops, section 407 of the Agricultural Act of 1949, as amended, is amended by—

7 USC 1427.

(1) striking out in the third sentence the language following the third colon and inserting in lieu thereof the following: "*Provided*, That the Corporation shall not sell any of its stocks of wheat, corn, grain sorghum, barley, oats, and rye respectively at

less than 115 per centum of the current national average loan rate for the commodity, adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate, plus reasonable carrying charges.”;

(2) striking out in the fifth sentence “current basic county support rate including the value of any applicable price-support payment in kind (or a comparable price if there is no current basic county support rate)” and inserting in lieu thereof the following: “current basic county loan rate (or a comparable price if there is no current basic county loan rate)”;

(3) striking out in the seventh sentence “, but in no event shall the purchase price exceed the then current support price for such commodities” and inserting in lieu thereof the following: “or unduly affecting market prices, but in no event shall the purchase price exceed the Corporation’s minimum sales price for such commodities for unrestricted use”.

NONAPPLICABILITY OF SECTION 107 OF THE AGRICULTURAL ACT OF 1949
TO THE 1977 THROUGH 1981 CROPS OF WHEAT

7 USC 1445a
note.
7 USC 1445a.

SEC. 409. Section 107 of the Agricultural Act of 1949, as amended, shall not be applicable to the 1977 through 1981 crops of wheat.

NONAPPLICABILITY OF SECTION 107 OF THE AGRICULTURAL ACT OF 1949,
AS AMENDED, TO THE 1977 CROP OF WHEAT

7 USC 1445a
note.

SEC. 410. Except as otherwise provided in section 401 of this Act, section 107 of the Agricultural Act of 1949, as added by the Agricultural Act of 1970, as amended, to be effective only for the 1974 through 1977 crops of wheat, shall not be applicable to the 1977 crop of wheat.

TITLE V—FEED GRAINS

LOAN RATES AND TARGET PRICES FOR THE 1977 THROUGH 1981 CROPS

Loans and
purchases.

7 USC 1444c.

SEC. 501. Effective only for the 1977 through 1981 crops, the Agricultural Act of 1949, as amended, is amended by adding subsections (a) through (c) to a new section 105A as follows:

“SEC. 105A. Notwithstanding any other provision of law—

Reduction.

“(a) (1) The Secretary shall make available to producers loans and purchases at such level, not less than \$2.00 per bushel, for each of the 1977 through 1981 crops of corn, as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains in the United States: *Provided*, That if the Secretary determines that the average price of corn received by producers in any marketing year is not more than 105 per centum of the level of loans and purchases for corn for such marketing year, the Secretary may reduce the level of loans and purchases for corn for the next marketing year by the amount the Secretary determines necessary to maintain domestic and export markets for grain, except that the level of loans and purchases shall not be reduced by more than 10 per centum in any year nor below \$1.75 per bushel.

“(2) The Secretary shall make available to producers loans and purchases on each of the 1977 through 1981 crops of barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such

commodity in relation to corn and other factors specified in section 401(b) of this Act, and on each crop of grain sorghums at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value and average transportation costs to market of grain sorghums in relation to corn.

7 USC 1421.

“(b) (1) (A) In addition, the Secretary shall make available to producers payments for each of the 1977 through 1981 crops of corn, grain sorghums, and, if designated by the Secretary, oats and barley, in an amount computed as provided in this subsection. Payments for the 1977 crop shall be computed by multiplying (i) the payment rate, by (ii) the allotment for the farm for such crop, by (iii) the yield established for the farm for the preceding crop with such adjustments as the Secretary determines necessary to provide a fair and equitable yield. Payments for each of the 1978 through 1981 crops shall be computed by multiplying (i) the payment rate, by (ii) the farm program acreage for the crop, by (iii) the farm program payment yield for the crop. In no event shall payments be made under this paragraph for any of the 1978 through 1981 crops on a greater acreage than the acreage actually planted to such feed grains.

Payments.

“(B) The payment rate for corn shall be the amount by which the higher of—

“(1) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

“(2) the loan level determined under subsection (a) for such crop

is less than the established price per bushel. The established price for corn shall be \$2.00 per bushel in the case of the 1977 crop, except that the established price shall be \$1.70 per bushel with respect to any acreage not planted to corn within the feed grain allotment. The established price for corn shall be \$2.10 per bushel in the case of the 1978 crop, and for the 1979 through 1981 crops the established price shall be the established price for the previous year's crop adjusted to reflect any change in (i) the average adjusted cost of production for the two crop years immediately preceding the year for which the determination is made from (ii) the average adjusted cost of production for the two crop years immediately preceding the year previous to the one for which the determination is made. The adjusted cost of production for each of such years shall be determined by the Secretary on the basis of such information as the Secretary finds necessary and appropriate for the purpose and shall be limited to (i) variable costs, (ii) machinery ownership costs, and (iii) general farm overhead costs, allocated to the crops involved on the basis of the proportion of the value of the total production derived from each crop.

Established price per bushel.

Adjusted cost of production.

“(C) Notwithstanding the foregoing provisions of this section, in the event the Secretary adjusts the level of loans and purchases for corn in accordance with the proviso in subsection (a) (1) of this section, the Secretary shall provide emergency compensation by increasing the established price payments for corn by such amount as the Secretary determines necessary to provide the same total return to producers as if the adjustment in the level of loans and purchases had not been made: *Provided*, That any such increase in established price payments shall not be included in the payments subject to limitation under the provisions of section 101 of the Food and Agriculture Act of 1977.

Emergency compensation.

“(D) The payment rate for grain sorghums and, if designated by the Secretary, oats and barley, shall be such rate as the Secretary

determines fair and reasonable in relation to the rate at which payments are made available for corn.

"(E) The total quantity on which payments would otherwise be payable to a producer on a farm for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (2) of this subsection.

Prevented
planting disaster
payments.

"(2) (A) Effective only with respect to the 1978 and 1979 crops of feed grains, if the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage intended for feed grains to feed grains or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make a prevented planting disaster payment to the producers on the number of acres so affected but not to exceed the acreage planted to feed grains for harvest (including any acreage which the producers were prevented from planting to feed grains or other nonconserving crop in lieu of feed grains because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year multiplied by 75 per centum of the farm program payment yield for feed grains established by the Secretary times a payment rate equal to $33\frac{1}{3}$ per centum of the established price per bushel.

Farm disaster
payment.

"(B) Effective only with respect to the 1978 and 1979 crops of feed grains, if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of feed grains which the producers are able to harvest on any farm is less than the result of multiplying 60 per centum of the farm program payment yield established by the Secretary for such crop by the acreage planted for harvest for such crop, the Secretary shall make a farm disaster payment to the producers at a rate equal to 50 per centum of the established price for the crop for the deficiency in production below 60 per centum for the crop.

7 USC 1307 note.

"(C) In the case of the 1977 crop of feed grains, disaster payments for prevented planting for feed grains shall be computed as provided in section 105 of this Act, as amended for the 1974 through 1977 crops by the Agriculture and Consumer Protection Act of 1973, and disaster payments for low yield shall be computed in accordance with the formula provided in subparagraph (B) of this paragraph: *Provided*, That producers may elect to receive disaster payments for low yield computed as provided in section 105 of this Act, as amended for the 1974 through 1977 crops by the Agriculture and Consumer Protection Act of 1973: *Provided further*, That no disaster payments for low yield may be made under this paragraph prior to October 1, 1977.

7 USC 1444b.

"(c) The Secretary shall provide for the sharing of payments made under this section for any farm among producers on the farm on a fair and equitable basis."

PROGRAM ACREAGES AND PAYMENT YIELDS; SET-ASIDE PROGRAM

Proclamation.

SEC. 502. Effective only for the 1978 through 1981 crops of feed grains, the Agricultural Act of 1949, as amended, is amended by adding subsections (d) through (i) to section 105A to read as follows:

Ante, p. 928.

"(d) (1) The Secretary shall proclaim a national program acreage for each of the 1978 through 1981 crops of feed grains. The proclamation shall be made not later than November 15 of each calendar year for the crop harvested in the next succeeding calendar year. The Secretary may revise the national program acreage first proclaimed for

Revision.

any crop year for the purpose of determining the allocation factor under paragraph (2) of this subsection if the Secretary determines it necessary based upon the latest information, and the Secretary shall proclaim such revised national program acreage as soon as it is made. The national program acreage for feed grains shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that the carryover stocks of feed grains are excessive or an increase in stocks is needed to assure desirable carryover, the Secretary may adjust the national program acreage by the amount the Secretary determines will accomplish the desired increase or decrease in carry-over stocks.

Adjustment.

“(2) The Secretary shall determine a program allocation factor for each crop of feed grains. The allocation factor for feed grains shall be determined by dividing the national program acreage for the crop by the number of acres which the Secretary estimates will be harvested for such crop: *Provided*, That in no event shall the allocation factor for any crop of feed grains be more than 100 per centum nor less than 80 per centum.

Program
allocation factor.

“(3) The individual farm program acreage for each crop of feed grains shall be determined by multiplying the allocation factor by the acreage of feed grains planted for harvest on the farms for which individual farm program acreages are required to be determined: *Provided*, That the feed grain acreage eligible for payments shall not be further reduced by application of the allocation factor if the producers reduce the acreage of feed grains planted for harvest on the farm from the previous year by at least the percentage recommended by the Secretary in the proclamation of the national program acreage made not later than November 15 prior to the year in which the crop is harvested. The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of feed grains planted for harvest is less than for the preceding year, but the reduction is insufficient to exempt the farm from the application of the allocation factor. In establishing the allocation factor for feed grains, the Secretary is authorized to make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this paragraph.

Adjustment.

“(e) The farm program payment yield for each crop of feed grains shall be the yield established for the farm for the previous crop year, adjusted by the Secretary to provide a fair and equitable yield. If no payment yield for feed grains was established for the farm in the previous crop year, the Secretary is authorized to determine such yield as the Secretary finds fair and reasonable. Notwithstanding the foregoing provisions of this subsection, in the determination of yields, the Secretary shall take into account the actual yields proved by the producer, and neither such yields nor the farm program payment yield established on the basis of such yields shall be reduced under other provisions of this subsection. If the Secretary determines it necessary, the Secretary may establish national, State, or county program payment yields on the basis of historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period, or, if such data are not available, on the Secretary's estimate of actual yields for the crop year involved. In the event national, State, or county program payment yields are established, the

Payment yield.

	farm program payment yields shall balance to the national, State, or county program payment yields.
Cropland set-aside.	“(f) (1) The Secretary shall provide for a set-aside of cropland if the Secretary determines that the total supply of feed grains will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. Any such set-aside shall be announced by the Secretary not later than November 15 of each calendar year for the crop harvested in the next calendar year. If a set-aside of cropland is in effect under this subsection, then as a condition of eligibility for loans, purchases, and payments authorized by this section on corn, grain sorghums, and, if designated by the Secretary, barley and oats, respectively, the producers on a farm must set aside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, of the feed grain acreage planted for harvest for the crop year for which the set-aside is in effect. The Secretary may limit the acreage planted to feed grains. Such limitation shall be applied on a uniform basis to all feed grain-producing farms. The set-aside acreage shall be devoted to conservation uses, in accordance with regulations issued by the Secretary, which will assure protection of such acreage from weeds and wind and water erosion; however, the Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of the set-aside acreage to be devoted to sweet sorghum, hay, and grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, oats, rye, or other commodity, if the Secretary determines that such production is needed to provide an adequate supply, is not likely to increase the cost of the price support program, and will not adversely affect farm income.
Announcement.	
Limitation.	
Land-diversion payments.	“(2) The Secretary may make land diversion payments to producers of feed grains, whether or not a set-aside for feed grains is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of feed grains to desirable goals. Such land diversion payments shall be made to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers. The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.
Contracts, bids.	
Payments.	“(3) The set-aside acreage and the additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of the foregoing sentence. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunt-

ing, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

“(4) The Secretary may make such adjustments in individual set-aside acreages under this section as the Secretary determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography, and such other factors as the Secretary deems necessary.

Adjustments.

“(5) If the operator of the farm desires to participate in the program formulated under this subsection, the operator shall file an agreement to do so no later than such date as the Secretary may prescribe. Loans, purchases, and payments under this section shall be made available to producers on such farm only if the producers set aside and devote to approved soil conserving uses an acreage on the farm equal to the number of acres which the operator agrees to set aside and devote to approved soil conserving uses, and the agreement shall so provide. The Secretary may, by mutual agreement with the producers, terminate or modify any such agreement entered into pursuant to this subsection if the Secretary determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of agricultural commodities.

Agreement filing.

Termination or modification.

“(g) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the default.

“(h) The Secretary is authorized to issue such regulations as the Secretary determines necessary to carry out the provisions of this section.

Regulations.

“(i) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.”

NONAPPLICABILITY OF SECTION 105 OF THE AGRICULTURAL ACT OF 1949, TO THE 1977 THROUGH 1981 CROPS OF FEED GRAINS

SEC. 503. Section 105 of the Agricultural Act of 1949, as amended, shall not be applicable to the 1977 through 1981 crops of feed grains.

7 USC 1444b
note.
7 USC 1441 note.

NONAPPLICABILITY OF SECTION 105 OF THE AGRICULTURAL ACT OF 1949, AS AMENDED, TO THE 1977 CROP OF FEED GRAINS

SEC. 504. Except as otherwise provided in section 501 of this Act, section 105 (a) and (b) (1) of the Agricultural Act of 1949, as added by the Agricultural Act of 1970, as amended, to be effective only for the 1974 through 1977 crops of feed grains, shall not be applicable to the 1977 crop of feed grains.

7 USC 1444b
note.

TITLE VI—UPLAND COTTON

BASE ACREAGE ALLOTMENTS; SUSPENSION OF MARKETING QUOTAS, AND RELATED PROVISIONS

SEC. 601. Sections 342, 343, 344, 345, 346, and 377 of the Agricultural Adjustment Act of 1938, as amended, shall not be applicable to upland cotton of the 1978 through 1981 crops.

7 USC 1342 note,
7 USC 1342,
1343, 1344,
1345, 1346,
1377.

COTTON PRODUCTION INCENTIVES; LOAN RATE AND TARGET PRICE;
SET-ASIDE PROGRAM

7 USC 1444.

SEC. 602. Effective only with respect to the 1978 through 1981 crops of upland cotton, except as otherwise provided herein, section 103 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new subsection (f) as follows:

“(f)(1) The Secretary shall, upon presentation of warehouse receipts reflecting accrued storage charges of not more than sixty days, make available for the 1978 through 1981 crops of upland cotton to cooperators nonrecourse loans for a term of ten months from the first day of the month in which the loan is made at such level as will reflect for Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States the smaller of (i) 85 per centum of the average price (weighted by market and month) of such quality of cotton as quoted in the designated United States spot markets during the four-year period ending July 31 in the year in which the loan level is announced, or (ii) 90 per centum of the average, for the first two full weeks of October of the year in which the loan level is announced, of the five lowest priced growths of the growths quoted for Strict Middling one and one-sixteenth inch cotton C.I.F. Northern Europe (adjusted downward by the average difference during the period April 15 through October 15 of the year in which the loan is announced between such average Northern Europe price quotation of such quality of cotton and the market quotations in the designated United States spot markets for Strict Low Middling one and one-sixteenth inch cotton (micronaire 3.5 through 4.9)). The loan level for any crop of cotton shall be determined and announced by the Secretary not later than November 1 of the calendar year preceding the marketing year for which such loan is to be effective, and such level shall not thereafter be changed. The rate of interest on loans to cooperators under the provisions of this paragraph shall be established quarterly by the Commodity Credit Corporation on the basis of the lowest current interest rate on ordinary obligations of the United States. Nonrecourse loans provided for in this subsection, shall, upon request of the cooperator during the tenth month of the loan period for the cotton, be made available for an additional term of eight months: *Provided*, That such request to extend the loan period shall not be approved in a month when the average price of Strict Low Middling one and one-sixteenth inch cotton (micronaire 3.5 through 4.9) in the designated spot markets for the preceding month exceeded 130 per centum of the average price of such quality of cotton in such markets for the preceding thirty-six month period: *Provided further*, That whenever the Secretary determines that the average price of Strict Low Middling one and one-sixteenth inch cotton (micronaire 3.5 through 4.9) in the designated spot markets for a month exceeded 130 per centum of the average price of such quality of cotton in such markets for the preceding thirty-six months, notwithstanding any other provision of law, the President shall immediately establish and proclaim a special limited global import quota for upland cotton subject to the following conditions:

“(A) The amount of the special quota shall be equal to twenty-one days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent three months for which data are available;

“(B) If a special quota has been established under this subsection during the preceding twelve months, the amount of the quota next established hereunder shall be the smaller of twenty-one days

Interest rate,
quarterly
establishment.
Nonrecourse
loans, extension.

Import quota,
Presidential
establishment.
Conditions.

of domestic mill consumption calculated as set forth in clause (A) of this subsection or the amount required to increase the supply to 130 per centum of the demand;

“(C) As used in clause (B) of this paragraph, the term ‘supply’ means, using the latest official data of the Bureau of the Census, the United States Department of Agriculture, and the United States Department of the Treasury, the carryover of upland cotton at the beginning of the marketing year (adjusted to four hundred and eighty-pound bales) in which the special quota is established, plus production of the current crop, plus imports to the latest date available during the marketing year, and the term ‘demand’ means the average seasonally adjusted annual rate of domestic mill consumption in the most recent three months for which data are available, plus the larger of average exports of upland cotton during the preceding six marketing years or cumulative exports of upland cotton, plus outstanding export sales for the marketing year in which the special quota is established; and

“Supply.”

“Demand.”

“(D) When a special quota is established under the provisions of this subsection, a ninety-day period from the effective date of the proclamation shall be allowed for entering cotton under such quota.

“(2) Notwithstanding the foregoing provisions of this subsection, a special quota period shall not be established that overlaps an existing special quota period.

“(3) Notwithstanding any other provision of law, the foregoing provisions of this subsection with respect to extension of the loan period and to proclamation of the special quota shall become effective upon the effective date of the Food and Agriculture Act of 1977 even though the cotton may be of a crop prior to the 1978 crop.

“(4) Payments shall be made for each crop of upland cotton to the producers on each farm at a rate equal to the amount by which the higher of—

Payments.

“(A) the average market price received by farmers for upland cotton during the calendar year which includes the first five months of the marketing year for such crop, as determined by the Secretary, or

“(B) the loan level determined under paragraph (1) for such crop

is less than the established price per pound times in each case (i) the farm program acreage for cotton, determined in accordance with paragraph (9) of this subsection (but in no event on a greater acreage than the acreage actually planted to cotton for harvest), multiplied by (ii) the farm program payment yield for cotton determined in accordance with paragraph (10) of this subsection. For the 1978 through 1981 crops, the established price shall be the established price for the previous year's crop adjusted to reflect any change in (i) the average adjusted cost of production for the two crop years immediately preceding the year for which the determination is made from (ii) the average adjusted cost of production for the two crop years immediately preceding the year previous to the one for which the determination is made. The adjusted cost of production for each of such years shall be determined by the Secretary on the basis of such information as the Secretary finds necessary and appropriate for the purpose and shall be limited to (i) variable costs, (ii) machinery ownership costs, and (iii) general farm overhead costs, allocated to the crops involved on the basis of the proportion of the value of the total production derived from each crop: *Provided*, That in no event shall the established price for the 1978 crop be less than 52 cents per pound and for each subse-

Established price.

Adjusted cost of production.

quent crop be less than 51 cents per pound. The total quantity on which payments would otherwise be payable to a producer for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (5) (B) of this subsection.

Prevented
planting disaster
payments.

“(5) (A) Effective only with respect to the 1978 and 1979 crops of upland cotton, if the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage intended for cotton to cotton or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make a prevented planting disaster payment to the producers on the number of acres so affected but not to exceed the acreage planted to cotton for harvest (including any acreage which the producers were prevented from planting to cotton or other nonconserving crop in lieu of cotton because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year, multiplied by 75 per centum of the farm program payment yield established by the Secretary times a payment rate equal to $33\frac{1}{3}$ per centum of the established price for the crop.

“(B) Effective only with respect to the 1978 and 1979 crops of upland cotton, if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of cotton which the producers are able to harvest on any farm is less than the result of multiplying 75 per centum of the farm program payment yield established by the Secretary for such crop by the acreage planted to harvest for such crop, the Secretary shall make a farm disaster payment to the producers at a rate equal to $33\frac{1}{3}$ per centum of the established price for the crop for the deficiency in production below 75 per centum for the crop.

Payment sharing.

“(6) The Secretary shall provide for the sharing of payments made under this subsection for any farm among the producers on the farm on a fair and equitable basis.

National program
acreage.
Announcement.

“(7) The Secretary shall establish for each of the 1978 through 1981 crops of upland cotton a national program acreage. Such national program acreage shall be announced by the Secretary not later than December 15 of the calendar year preceding the year for which such acreage is established. The Secretary may revise the national program acreage first announced for any crop year for the purpose of determining the allocation factor under paragraph (8) of this subsection if the Secretary determines it necessary based upon the latest information, and the Secretary shall announce such revised national program acreage as soon as it has been made. The national program acreage shall be the number of harvested acres the Secretary determines (on the basis of the estimated weighted national average of the farm program yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop. The national program acreage shall be subject to such adjustment as the Secretary determines necessary, taking into consideration the estimated carryover supply, so as to provide for an adequate but not excessive total supply of cotton for the marketing year for the crop for which such national program acreage is established. In no event shall the national program acreage be less than 10 million acres.

Adjustment.

Allocation factor.

“(8) The Secretary shall determine a program allocation factor for each crop of upland cotton. The allocation factor (not to exceed 100 per centum) shall be determined by dividing the national program

acreage for the crop by the number of acres which the Secretary estimates will be harvested for such crop.

“(9) The individual farm program acreage for each crop of upland cotton shall be determined by multiplying the allocation factor by the acreage of cotton planted for harvest on the farms for which individual farm program acreages are required to be determined: *Provided*, That the cotton acreage eligible for payment on a farm shall not be further reduced by application of the allocation factor if the producers reduce the acreage of cotton planted for harvest on the farm from the previous year by at least the percentage recommended by the Secretary in the announcement of the national program acreage made not later than December 15 of the calendar year preceding the year for which such acreage is established. The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of cotton planted for harvest is less than for the preceding year, but the reduction is insufficient to exempt the farm from the application of the allocation factor. In establishing the allocation factor, the Secretary is authorized to make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this paragraph.

“(10) The farm program payment yield for each crop of upland cotton shall be determined on the basis of the actual yields per harvested acre on the farm for the preceding three years: *Provided*, That the actual yields shall be adjusted by the Secretary for abnormal yields in any year caused by drought, flood, or other natural disaster, or other condition beyond the control of the producers. In case farm yield data for one or more years are unavailable or there was no production, the Secretary shall provide for appraisals to be made on the basis of actual yields and program payment yields for similar farms in the area for which data are available. Notwithstanding the foregoing provisions of this paragraph, in the determination of yields, the Secretary shall take into account the actual yields proved by the producer, and neither such yields nor the farm program payment yield established on the basis of such yields shall be reduced under other provisions of this paragraph. If the Secretary determines it necessary, the Secretary may establish national, State, or county program payment yields on the basis of historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period, or, if such data are not available, on the Secretary's estimate of actual yields for the crop year involved. In the event national, State, or county program payment yields are established, the farm program payment yields shall balance to the national, State, or county program payment yields.

Payment yields.

“(11) (A) The Secretary shall provide for a set-aside of cropland if the Secretary determines that the total supply of upland cotton will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside of cropland is in effect under this paragraph, then as a condition of eligibility for loans, purchases, and payments on upland cotton, the producers on a farm must set aside and devote to conservation uses an acreage of cropland equal to a specified percentage as determined by the Secretary (but not to exceed 28 per centum), of the acreage of upland cotton planted for harvest for the crop year for which a set-aside is in effect. The set-aside acreage shall be devoted to conservation uses in accordance with regulations issued by the Secretary which will assure protection of such acreage from weeds and wind and water erosion; however, the Secretary may permit, subject to such

Cropland set-aside.

Regulations.

	terms and conditions as the Secretary may prescribe, all or any part of the set-aside acreage to be devoted to sweet sorghum, hay, and grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, oats, rye, or other commodity, if the Secretary determines that such production is needed to provide an adequate supply, is not likely to increase the cost of the price support program, and will not adversely affect farm income. The Secretary may limit the acreage planted to upland cotton. Such limitation shall be applied on a uniform basis to all cotton-producing farms. Producers on a farm who knowingly plant cotton in excess of the permitted cotton acreage for the farm shall be ineligible for cotton loans or payments with respect to that farm.
Limitation.	
Land diversion payments.	“(B) The Secretary may make land diversion payments to producers of upland cotton, whether or not a set-aside for upland cotton is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of upland cotton to desirable goals. Such land diversion payments shall be made to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers. The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.
Contracts.	
Wildlife habitat.	“(C) The set-aside acreage and the additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of the foregoing sentence. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.
Payment.	
Agreement, filing.	“(12) If the operator of the farm desires to participate in the program formulated under this subsection, the operator shall file an agreement to do so no later than such date as the Secretary may prescribe. Loans, purchases, and payments under this subsection shall be made available to the producers on such farm only if the producers set aside and devote to approved soil conserving uses an acreage on the farm equal to the number of acres which the operator agrees to set aside and devote to approved soil conserving uses, and the agreement shall so provide. The Secretary may, by mutual agreement with the producers, terminate or modify any such agreement entered into pursuant to this subsection if the Secretary determines such action necessary because of an emergency created by drought or other disaster, or in order to alleviate a shortage in the supply of agricultural commodities.
Termination or modification.	

“(13) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.” Safeguards.

“(14) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this subsection precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the default.

“(15) The Secretary is authorized to issue such regulations as the Secretary determines necessary to carry out the provisions of this subsection.” Regulations.

“(16) The Secretary shall carry out the program authorized by this subsection through the Commodity Credit Corporation.

“(17) The provisions of subsection 8(g) of the Soil Conservation and Domestic Allotment Act, as amended (relating to assignment of payments), shall apply to payments under this subsection.” 16 USC 590h.

COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS

SEC. 603. Effective only with respect to the period beginning August 1, 1978, and ending July 31, 1982, the tenth sentence of section 407 of the Agricultural Act of 1949, as amended, is amended by striking out all of that sentence through the words “110 per centum of the loan rate, and (2)” and inserting in lieu thereof the following: “Notwithstanding any other provision of law, (1) the Commodity Credit Corporation shall sell upland cotton for unrestricted use at the same prices as it sells cotton for export, in no event, however, at less than 115 per centum of the loan rate for Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate plus reasonable carrying charges, and (2)” Cotton.
7 USC 1427.

MISCELLANEOUS COTTON PROVISIONS

SEC. 604. (a) Section 408(b) of the Agricultural Act of 1949, as amended, is amended by inserting immediately before the period at the end of the first sentence the following: “: *Provided further*, That for the 1978 through 1981 crops of upland cotton, a cooperator shall be a producer on a farm who has set aside the acreage required under section 103(f)” Cooperator.
7 USC 1428.

(b) Section 408(1) of the Agricultural Act of 1949, as added by the Agricultural Act of 1970, as amended, to be effective for the 1971 through 1977 crops, shall be effective for the 1978 through 1981 crops, and shall read as follows:

“REFERENCES TO TERMS MADE APPLICABLE TO UPLAND COTTON

“(1) References made in sections 402, 403, 406, and 416 to the terms ‘support price’, ‘level of support’, and ‘level of price support’ shall be considered to apply as well to the level of loans and purchases for upland cotton under this Act; and references made to the terms ‘price support’, ‘price support operations’, and ‘price support program’ in such sections and in section 401(a) shall be considered as applying as well to the loan and purchase operations for upland cotton under this Act.” Post, p. 956.
7 USC 1736,
1431.

(c) Sections 103(a) and 203 of the Agricultural Act of 1949, as amended, shall not be applicable to the 1978 through 1981 crops. Post, p. 956.

7 USC 1446d
note.
7 USC 1444,
1446d.

SKIPROW PRACTICES

- 7 USC 1374. SEC. 605. Section 374(a) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out "1977" in the last sentence and inserting in lieu thereof "1981".

PRELIMINARY ALLOTMENTS FOR 1982 CROP OF UPLAND COTTON

- 7 USC 1342 note. SEC. 606. Notwithstanding any other provision of law, the permanent State, county, and farm base acreage allotments for the 1977 crop of upland cotton, adjusted for any underplantings in 1977 and reconstituted as provided in section 379 of the Agricultural Adjustment Act of 1938, as amended, shall again become effective as preliminary allotments for the 1982 crop.
- 7 USC 1379.

EXTRA LONG STAPLE COTTON

- 7 USC 1441. SEC. 607. Section 101(f) of the Agricultural Act of 1949, as amended, is amended by striking out the words "Middling one-inch" appearing in the first sentence and inserting in lieu thereof "Strict Low Middling one and one-sixteenth inch".

TITLE VII—RICE

NATIONAL ACREAGE ALLOTMENT AND ALLOCATION

- 7 USC 1352 and note. SEC. 701. Effective beginning with the 1978 crop of rice, section 101 of the Rice Production Act of 1975 is amended by striking out "1976 and 1977" each place it occurs and inserting in lieu thereof "1976 through 1981".

LOAN RATES, TARGET PRICES, AND SET-ASIDE FOR THE 1978 THROUGH 1981 CROPS

- 7 USC 1441. SEC. 702. Effective only for the 1978 through 1981 crops of rice, section 101 of the Agricultural Act of 1949, as amended, is amended by adding a new subsection (h) as follows:

Established price.

Adjusted cost of production.

Loans and purchases.

"(h) Notwithstanding any other provision of law—

"(1) For the 1978 through 1981 crops of rice, the established price for the purpose of making payments under this subsection shall be the established price for the previous year's crop adjusted to reflect any change in (i) the average adjusted cost of production for the two crop years immediately preceding the year for which the determination is made from (ii) the average adjusted cost of production for the two crop years immediately preceding the year previous to the one for which the determination is made. The adjusted cost of production for each of such years shall be determined by the Secretary on the basis of such information as the Secretary finds necessary and appropriate for the purpose and shall be limited to (i) variable costs, (ii) machinery ownership costs, and (iii) general farm overhead costs, allocated to the crops involved on the basis of the proportion of the value of the total production derived from each crop.

"(2) The Secretary shall make available, to cooperators in the several States of the United States, loans and purchases for each of the 1978 through 1981 crops of rice at such level as bears the same ratio to the loan level for the preceding year's crop as the established price for each such crop bears to the established price for the preceding year's crop. If the Secretary determines that

loans and purchases at the foregoing level for any of the 1978 through 1981 crops would substantially discourage the exportation of rice and result in excessive stocks of rice in the United States, the Secretary may, notwithstanding the foregoing provisions of this paragraph, establish loans and purchases for such crop or crops at such level, not less than \$6.31 per hundredweight nor more than the parity price thereof, as the Secretary determines necessary to avoid such consequences. The loans and purchases shall be made available to cooperators on a farm with respect to a quantity of rice determined by multiplying the allotment by the yield established for the farm, as determined in the manner described in the second sentence of paragraph (4) (A) of this subsection.

“(3) The Secretary shall make available to cooperators payments for each of the 1978 through the 1981 crops of rice grown in the several States of the United States at a rate equal to the amount by which the established price for the crop of rice exceeds the higher of—

“(A) the national average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

“(B) the loan level determined under paragraph (2) for such crop.

“(4) (A) The payments for each such crop shall be made available to cooperators on a farm with respect to a quantity of rice determined by multiplying that portion of the allotment planted to rice by the yield established for the farm: *Provided*, That an acreage on the farm which the Secretary determines was not planted to rice because of drought, flood, or other natural disaster, or other condition beyond the control of the cooperators shall be considered to be an acreage planted to rice. The yield for the farm for any year shall be determined on the basis of the actual yields per harvested acre for the three preceding years: *Provided*, That the actual yields shall be adjusted by the Secretary for abnormal yields in any year caused by drought, flood, other natural disaster, or other condition beyond the control of the cooperators. The total quantity on which payments would otherwise be payable to a cooperator for any crop under this subparagraph shall be reduced by the quantity on which any disaster payment is made to the cooperator on a farm for the crop under this paragraph.

“(B) Effective only with respect to the 1978 and 1979 crops of rice, if the Secretary determines that the persons involved in producing rice on a farm are prevented from planting all or any portion of the acreage allotments of producers on the farm or the farm acreage allotment to rice or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make a prevented planting disaster payment to cooperators on a farm in an amount determined by multiplying (i) the number of such acres so affected, by (ii) the yield established for the farm, by (iii) 33½ per centum of the established price for rice, except that the Secretary shall make no payment pursuant to this sentence on a farm from which acres were transferred under section 352(d) of the Agricultural Adjustment Act of 1938, as amended, with respect to the transferred acreage.

“(C) Effective only with respect to the 1978 and 1979 crops of rice, if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the

Payments.

Prevented
planting disaster
payments.

7 USC 1352.

Farm disaster
payments.

producers, the total quantity of rice which the persons involved in producing rice on a farm are able to harvest on the acreage allotments of producers on the farm or the farm acreage allotment is less than the result of multiplying 75 per centum of the yield established for the farm by the acreage within the allotment planted to rice for harvest for such crop, the Secretary shall make a farm disaster payment to the cooperators on the farm for the deficiency in production below 75 per centum of the crop at a rate equal to $33\frac{1}{3}$ per centum of the established price for the crop.

7 USC 1352. “(D) Any payment made under subparagraphs (B) and (C) of this paragraph with regard to acres transferred under section 352(d) of the Agricultural Adjustment Act of 1938, as amended, shall be calculated with respect to the farm yield established on the farm to which such acres were transferred.

Cropland set-aside.

Eligibility.

“(5) The Secretary shall provide for a set-aside of cropland if the Secretary determines that the total supply of rice will, in the absence of such set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside of cropland is in effect under this paragraph, then as a condition of eligibility for loans, purchases, and payments under this subsection, the cooperators on a farm must set aside and devote to conservation uses an acreage of cropland equal to (i) such percentage of the farm acreage allotment as may be specified by the Secretary (not to exceed 30 per centum of the farm acreage allotment), plus, if required by the Secretary, (ii) the acreage of cropland on the farm devoted in preceding years to soil conserving uses, as determined by the Secretary. The set-aside acreage shall be devoted to conservation uses, in accordance with regulations issued by the Secretary, which will assure protection of such acreage from weeds and wind and water erosion; however, the Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of the set-aside acreage to be devoted to sweet sorghum, hay, and grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, oats, rye, or other commodity, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not adversely affect farm income.

Land diversion payments.

Contracts.

Bids, submittal.

“(6) The Secretary may make land diversion payments to cooperators, whether or not a set-aside for rice is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of rice to desirable goals. Such land diversion payments shall be made to cooperators on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such cooperators. The amounts payable to cooperators under land diversion contracts may be determined through the submission of bids for such contracts by cooperators in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to

be undertaken by the cooperators and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

“(7) The set-aside acreage and the additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of the foregoing sentence. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the cooperator agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

Consultation.

Payment.

“(8) If the operator of the farm desires to participate in the program formulated under this subsection the operator shall file an agreement to do so no later than such date as the Secretary may prescribe. Loans, purchases, and payments under this subsection shall be made available to cooperators on such farm only if such cooperators set aside and devote to approved soil conserving uses an acreage on the farm equal to the number of acres which the operator of the farm agrees to set aside and devote to approved soil conserving uses, and the agreement shall so provide. The Secretary may, by mutual agreement with the cooperators on the farm, terminate or modify any such agreement entered into pursuant to this subsection if the Secretary determines such action necessary because of any emergency created by drought or other disaster, or in order to alleviate a shortage in the supply of rice.

Agreement,
filing.Termination or
modification.

“(9) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis in payments under this subsection.

Safeguards.

“(10) In any case in which the failure of a cooperator to comply fully with the terms and conditions of the program formulated under this subsection precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the default.

“(11) The Secretary is authorized to issue such regulations as the Secretary determines necessary to carry out the provisions of this subsection.

Regulations.

“(12) The Secretary shall carry out the program authorized by this subsection through the Commodity Credit Corporation.

“(13) The provisions of subsection 8(g) of the Soil Conservation and Domestic Allotment Act (relating to assignment of payments) shall apply to payments under this subsection.”

16 USC 590h.

SUSPENSION OF MARKETING QUOTAS AND OTHER PROVISIONS

SEC. 703. Sections 353, 354, 355, 356, and 377 of the Agricultural Adjustment Act of 1938, as amended, shall not be applicable to the 1978 through 1981 crops of rice.

7 USC 1353 note.
7 USC 1353-
1356, 1377.

DEFINITION OF COOPERATOR

Ante, p. 939.

SEC. 704. The last proviso in the first sentence of section 408(b) of the Agricultural Act of 1949, as added by section 303 of the Rice Production Act of 1975, is amended by striking out "and 1977" and inserting in lieu thereof "through 1981".

CONFORMING AMENDMENT

7 USC 1736b.

SEC. 705. Section 408(m) of the Agricultural Act of 1949, as added by the Rice Production Act of 1975, to be effective for the 1976 and 1977 crops, shall be effective for the 1978 through 1981 crops, and shall read as follows:

"REFERENCES TO TERMS MADE APPLICABLE TO RICE

Post, p. 956.

7 USC 1736.

Ante, pp. 927, 939.

7 USC 1431.

Post, p. 956.

"(m) References made in sections 402, 403, 406, 407, and 416 to the terms 'support price', 'level of support', and 'level of price support' shall be considered to apply as well to the level of loans and purchases for rice under this Act; and references made to the terms 'price support', 'price support operation', and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan and purchase operations for rice under this Act."

TITLE VIII—PEANUTS

ANNUAL MARKETING QUOTA AND STATE ACREAGE ALLOTMENT

7 USC 1358.

7 USC 1358 note.

7 USC 1358.

SEC. 801. Section 358 of the Agricultural Adjustment Act of 1938; as amended, is amended as follows:

(a) Subsections (a) and (e) shall not be applicable to the 1978 through 1981 crops of peanuts.

(b) Subsection (c) (1) is amended, effective for the 1978 through 1981 crops of peanuts, by striking out the period at the end of the second sentence and inserting in lieu thereof the following: "': *Provided*, That the peanut acreage allotment for the State of New Mexico shall not be reduced below the 1977 acreage allotment as increased pursuant to subsection (c) (2) of this section."

NATIONAL ACREAGE ALLOTMENT; NATIONAL POUNDAGE QUOTA; FARM POUNDAGE QUOTA; AND DEFINITIONS

SEC. 802. Effective for the 1978 through 1981 crops of peanuts, section 358 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof new subsections (k) through (p) as follows:

Announcements.

"(k) The Secretary shall, not later than December 1 of each year, announce a national acreage allotment for peanuts for the following crop taking into consideration projected domestic use, exports, and a reasonable carryover: *Provided*, That such allotment shall be not less than one million six hundred and fourteen thousand acres.

"(l) The Secretary shall, not later than December 1 of each year, announce a minimum national poundage quota for peanuts for the following marketing year of the following amounts: 1978, 1,680,000 tons; 1979, 1,596,000 tons; 1980, 1,516,000 tons; and 1981, 1,440,000 tons. If the Secretary determines that the minimum national poundage quota for any marketing year is insufficient to meet total estimated

requirements for domestic edible use and a reasonable carryover, the national poundage quota for the marketing year may be increased by the Secretary to the extent determined by the Secretary to be necessary to meet such requirements.

“(m) For each farm for which a farm acreage allotment has been established, a farm yield for peanuts shall be determined. Such yield shall be equal to the average of the actual yield per acre on the farm for each of the three crop years in which yields were highest on the farm out of the five crop years 1973 through 1977: *Provided*, That if peanuts were not produced on the farm in at least three years during such five-year period or there was a substantial change in the operation of the farm during such period (including, but not limited to, a change in operator, lessee who is an operator, or irrigation practices), the Secretary shall have a yield appraised for the farm. The appraised yield shall be that amount determined to be fair and reasonable on the basis of yields established for similar farms which are located in the area of the farm and on which peanuts were produced, taking into consideration land, labor, and equipment available for the production of peanuts, crop rotation practices, soil and water, and other relevant factors.

Farm yield.

“(n) For each farm, a farm base production poundage shall be established equal to the quantity determined by multiplying the farm peanut acreage allotment by the farm yield determined in accordance with subsection (m) of this section.

Farm base
production
poundage.

“(o) For each farm, a farm poundage quota shall be established by the Secretary for each marketing year equal to the farm base production poundage multiplied by a factor determined by the Secretary, such that the total of all farm poundage quotas will equal the national poundage quota for such marketing year. The poundage quota so determined, beginning with the 1979 crop for any farm, shall be increased by the number of pounds by which marketings of quota peanuts from the farm during the immediately preceding marketing year were less than the farm poundage quota: *Provided*, That total marketings shall not exceed actual production from the farm acreage allotment: *Provided further*, That the grower must have planted in such preceding marketing year that part of the farm allotment estimated on the basis of the farm yield to be sufficient to produce the total farm poundage quota: *Provided further*, That if the total of all such increases in individual farm poundage quotas exceeds 10 per centum of the national poundage quota for the marketing year, the Secretary shall adjust such increases so that the total of all increases does not exceed 10 per centum of the national poundage quota.

Farm poundage
quota.

Limitation.

Adjustment.

“(p) For the purposes of this part and title I of the Agricultural Act of 1949, as amended—

Definitions.
7 USC 1441.

“(1) ‘quota peanuts’ means, for any marketing year, any peanuts which are eligible for domestic edible use as determined by the Secretary, which are marketed or considered marketed from a farm, and which do not exceed the farm poundage quota of such farm for such year;

“(2) ‘additional peanuts’ means, for any marketing year, any peanuts which are marketed from a farm and which are in excess of the marketings of quota peanuts from such farm for such year but not in excess of the actual production of the farm acreage allotment;

“(3) ‘crushing’ means the processing of peanuts to extract oil for food uses and meal for feed uses, or the processing of peanuts

by crushing or otherwise when authorized by the Secretary; and
 “(4) ‘domestic edible use’ means use for milling to produce domestic food peanuts and seed and use on a farm.”.

SALE, LEASE, AND TRANSFER OF ACREAGE ALLOTMENT

7 USC 1358a. SEC. 803. Effective for the 1978 through 1981 crops of peanuts, section 358a of the Agricultural Adjustment Act of 1938, as amended, is amended by—

(1) in subsection (a)—

(i) striking out “. if he determines that it will not impair the effective operation of the peanut marketing quota or price support program.”; and

(ii) striking out “may” each place that term appears and inserting “shall” in lieu thereof; and

(2) adding at the end thereof a new subsection (i) as follows:

“(i) Notwithstanding any other provision of this section, transfers shall be on the basis of the farm base production poundage, and the acreage allotment for the receiving farm shall be increased by an amount determined by dividing the number of pounds transferred by the farm yield for the receiving farm, and the acreage allotment for the transferring farm shall be reduced by an amount determined by dividing the number of pounds transferred by the farm yield for the transferring farm.”.

MARKETING PENALTIES; DISPOSITION OF ADDITIONAL PEANUTS

7 USC 1359. SEC. 804. Effective for the 1978 through 1981 crops of peanuts, section 359 of the Agricultural Adjustment Act of 1938, as amended, is amended by—

(1) striking out in the first sentence of subsection (a) “75 per centum of the support price for” and inserting in lieu thereof “120 per centum of the support price for quota”;

(2) inserting after the first sentence of subsection (a) a new sentence as follows: “The marketing of any additional peanuts from a farm shall be subject to the same penalty unless the peanuts, in accordance with regulations established by the Secretary, are placed under loan at the additional loan rate under the loan program made available under section 108(b) of the Agricultural Act of 1949 and not redeemed by the producers or are marketed under contracts between handlers and producers pursuant to the provisions of subsection (i) of this section.”;

(3) striking out “normal yield” in subsection (a) and inserting in lieu thereof “farm yield”; and

(4) adding at the end thereof new subsections (f) through (j) as follows:

“(f) Only quota peanuts may be retained for use as seed or for other uses on a farm and when so retained shall be considered as marketings of quota peanuts. Additional peanuts shall not be retained for use on a farm and shall not be marketed for domestic edible use. Seed for planting of any peanut acreage in the United States shall be obtained solely from quota peanuts marketed or considered marketed for domestic edible use.

Penalty.

“(g) Upon a finding by the Secretary that the peanuts marketed from any crop for domestic edible use by a handler are larger in quantity or higher in grade or quality than the peanuts that could reasonably be produced from the quantity of peanuts having the grade,

Post, p. 947.

kernel content, and quality of the quota peanuts acquired by such handler from such crop for such marketing, such handler shall be subject to a penalty equal to 120 per centum of the loan level for quota peanuts on the peanuts which the Secretary determines are in excess of the quantity, grade, or quality of the peanuts that could reasonably have been produced from the peanuts so acquired.

“(h) The Secretary shall require that the handling and disposal of additional peanuts be supervised by agents of the Secretary or by area marketing associations designated pursuant to section 108(c) of the Agricultural Act of 1949. Quota and additional peanuts of like type and segregation or quality may, under regulations prescribed by the Secretary, be commingled and exchanged on a dollar value basis to facilitate warehousing, handling, and marketing.

Infra.

“(i) Handlers may, under regulations prescribed by the Secretary, contract with producers for the purchase of additional peanuts for crushing, export, or both. All such contracts shall be completed and submitted to the Secretary (or if designated by the Secretary, the area association) for approval prior to June 15 of the year in which the crop is produced.

Contracts.

“(j) Subject to the provisions of section 407 of the Agricultural Act of 1949, as amended, any peanuts owned or controlled by the Commodity Credit Corporation may be made available for domestic edible use in accordance with regulations established by the Secretary. Additional peanuts received under loan shall be offered for sale for domestic edible use at prices not less than those required to cover all costs incurred with respect to such peanuts for such items as inspection, warehousing, shrinkage, and other expenses, plus (1) 100 per centum of the loan value of quota peanuts if the additional peanuts are sold and paid for during the harvest season upon delivery by the producer, or (2) 105 per centum of the loan value of quota peanuts if the additional peanuts are sold after delivery by the producer but not later than December 31 of the marketing year, or (3) 107 per centum of the loan value of quota peanuts if the additional peanuts are sold later than December 31 of the marketing year.”.

Ante, p. 927, 939.

REPORTS AND RECORDS

SEC. 805. Effective for the 1978 through 1981 crops of peanuts, the first sentence of section 373(a) of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting immediately before “all brokers and dealers in peanuts” the following: “all farmers engaged in the production of peanuts.”

7 USC 1373.

PRESERVATION OF UNUSED ALLOTMENTS

SEC. 806. Effective for the 1978 through 1981 crops of peanuts, section 377 of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting after the words “farm acreage allotment for such year” the following: “or, in the case of peanuts, an acreage sufficient to produce 75 per centum of the farm poundage quota”.

7 USC 1377.

PRICE SUPPORT PROGRAM

SEC. 807. Effective for the 1978 through 1981 crops of peanuts, title I of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new section 108 as follows:

“PEANUT PROGRAM

7 USC 1445c.

“SEC. 108. Notwithstanding any other provision of law—

7 USC 1421.

“(a) The Secretary shall make price support available to producers through loans, purchases, or other operations on quota peanuts for each of the 1978 through 1981 crops at such levels as the Secretary finds appropriate, taking into consideration the eight factors specified in section 401(b) of this Act, and any change in the index of prices paid by farmers for production items, interest, taxes, and wage rates during the period beginning January 1 and ending December 31 of the calendar year immediately preceding the marketing year for which the level of support is being determined, but not less than \$420 per ton. The levels of support so announced shall not be reduced by any deductions for inspection, handling, or storage: *Provided*, That the Secretary may make adjustments for location of peanuts and such other adjustments as are authorized by section 403 of this Act.

Adjustments.

7 USC 1423.

“(b) The Secretary shall make price support available to producers through loans, purchases, or other operations on additional peanuts for each of the 1978 through 1981 crops. In determining support levels, the Secretary shall take into consideration the demand for peanut oil and peanut meal, expected prices of other vegetable oils and protein meals, and the demand for peanuts in foreign markets. The Secretary shall announce the level of support for additional peanuts of each crop not later than February 15 preceding the marketing year for which the level of support is being determined.

Warehouse
storage loans.

“(c) (1) In carrying out subsections (a) and (b) of this section, the Secretary may make warehouse storage loans available in each of the three producing areas (described in 7 CFR § 1446.4 (1977)) to a designated area marketing association of peanut producers which is selected and approved by the Secretary and which is operated primarily for the purpose of conducting such loan activities. Such associations may be used in administrative and supervisory activities relating to price support and marketing activities under this section and section 359 of the Agricultural Adjustment Act of 1938, as amended. Such loans shall include, in addition to the price support value of the peanuts, such costs as such association reasonably may incur in carrying out such responsibilities in its operations and activities under this section and section 359 of the Agricultural Adjustment Act of 1938, as amended.

Ante, p. 946.Pools,
establishment.
Record retention.

“(2) The Secretary may require that each such association establish pools and maintain complete and accurate records by type for quota peanuts handled under loans and for additional peanuts produced without a contract between handler and producer described in section 359(i) of the Agricultural Adjustment Act of 1938. Net gains on peanuts in each pool, unless otherwise approved by the Secretary, shall be distributed in proportion to the value of the peanuts placed in the pool by each grower. Net gains for peanuts in each pool shall consist of (A) for quota peanuts, the net gains over and above the loan indebtedness and other costs or losses incurred on peanuts placed in such pool plus an amount from the pool for additional peanuts to the extent of the net gains from the sale for domestic food and related uses of additional peanuts in the pool for additional peanuts equal to any loss on disposition of all peanuts in the pool for quota peanuts and (B) for additional peanuts, the net gains over and above the loan indebtedness and other costs or losses incurred on peanuts placed in the pool for additional peanuts less any amount allocated to offset any loss on the

Net gains.

pool for quota peanuts as provided in clause (A) of this paragraph. Notwithstanding any other provision of this subsection, any distribution of net gains on additional peanuts of any type to any producer shall be reduced to the extent of any loss by the Commodity Credit Corporation on quota peanuts of a different type placed under loan by such grower.”.

TITLE IX—SOYBEANS AND SUGAR

SOYBEAN PRICE SUPPORT

SEC. 901. Effective only with respect to the 1978 through 1981 crops of soybeans, section 201 of the Agricultural Act of 1949, as amended, is amended by— *Ante*, p. 920.

(1) inserting in the first sentence after “tung nuts,” the following: “soybeans,”; and

(2) adding at the end thereof a new subsection (e) as follows:

“(e) The price of the 1978 through 1981 crops of soybeans shall be supported through loans and purchases at such levels as the Secretary determines appropriate in relation to competing commodities and taking into consideration domestic and foreign supply and demand factors: *Provided*, That notwithstanding the provisions of section 1001 of the Food and Agriculture Act of 1977, the Secretary shall not require a set-aside of soybean acreage as a condition of eligibility for price support for any commodity supported under the provisions of this Act.”.

SUGAR PRICE SUPPORT

SEC. 902. Effective only with respect to the 1977 and 1978 crops of sugar beets and sugar cane, section 201 of the Agricultural Act of 1949, as amended, is amended by—

(1) striking out in the first sentence “honey, and milk” and inserting in lieu thereof the following: “honey, milk, sugar beets, and sugar cane”; and

(2) adding at the end thereof a new subsection (f) as follows:

“(f) (1) The price of the 1977 and 1978 crops of sugar beets and sugar cane, respectively, shall be supported through loans or purchases with respect to the processed products thereof at a level not in excess of 65 per centum nor less than 52.5 per centum of the parity price therefor: *Provided*, That the support level may in no event be less than 13.5 cents per pound raw sugar equivalent. In carrying out the price support program authorized by this subsection, the Secretary shall establish minimum wage rates for agricultural employees engaged in the production of sugar.

Minimum wage
rates,
establishment.

“(2) Notwithstanding any other provision of law, the Secretary may suspend the operation of the price support program authorized by this subsection whenever the Secretary determines that an international sugar agreement is in effect which assures the maintenance in the United States of a price for sugar not less than 13.5 cents per pound raw sugar equivalent.

Suspension.

“(3) Nothing in this subsection shall affect the authority of the Secretary to establish under any other provision of law a price support program for that portion of the 1977 crop of sugar cane and sugar beets marketed prior to the implementation of the program authorized by this subsection.”.

TITLE X—MISCELLANEOUS

SET-ASIDE OF NORMALLY PLANTED ACREAGE

- 7 USC 1309. SEC. 1001. Notwithstanding any other provision of law, whenever a set-aside is in effect for one or more of the 1978 through 1981 crops of wheat, feed grains, upland cotton, and rice, the Secretary of Agriculture may require, as a condition of eligibility for loans, purchases, and payments under the Agricultural Act of 1949, as amended, that the acreage normally planted to crops designated by the Secretary, adjusted as deemed necessary by the Secretary to be fair and equitable among producers, shall be reduced by the acreage of set-aside or diversion.
- 7 USC 1421 note.

AMERICAN AGRICULTURE PROTECTION PROGRAM

- 7 USC 1310. SEC. 1002. (a) Notwithstanding any other provision of law, whenever the President or any other member of the executive branch of the Federal Government causes to be suspended, based upon a determination of short supply, the commercial export sales of any commodity, as defined in subsection (c) of this section, to any country or area with which the United States otherwise continues commercial trade, the Secretary of Agriculture shall, on the day the suspension is initiated, set the loan level for such commodity under the Agricultural Act of 1949, as amended, if a loan program is in effect for the commodity, at 90 per centum of the parity price for the commodity, as such parity price is determined on the day the suspension is initiated.
- (b) Any loan level established pursuant to subsection (a) of this section shall remain in effect as long as the suspension of commercial export sales described in subsection (a) remains in effect.
- “Commodity.” (c) For purposes of this section, the term “commodity” shall include any of the following: wheat, corn, grain sorghum, soybeans, oats, rye, barley, rice, flaxseed, and cotton.

BUDGET AMENDMENT

- Price supports.
7 USC 1447. SEC. 1003. (a) Effective only with respect to the 1978 through 1981 crops, section 301 of the Agricultural Act of 1949 is amended by adding at the end thereof a new sentence as follows: “The Secretary is authorized to make price support available under this title for the 1978 through 1981 crops of flaxseed, dry edible beans, gum naval stores, and in the case of the 1979 through 1981 crops, sugar beets and sugar cane, and for any other nonbasic commodity not designated in title II, except that such authority shall terminate with respect to any commodity, other than those listed in this sentence, at the end of any crop year in which the net outlays for the commodity exceed \$50 million.”.
- 7 USC 1446. (b) The amendment made by this section to the Agricultural Act of 1949 shall not be operative in any manner with respect to any price support program in effect on the date of enactment of this Act.

SPECIAL GRAZING AND HAY PROGRAM

- 7 USC 1445d. SEC. 1004. Title I of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new section 109 as follows:
- “SEC. 109. Notwithstanding any other provision of law—
- “(a) The Secretary is authorized to administer a special wheat acreage grazing and hay program (hereinafter in this section referred to as the ‘special program’) in each of the crop years 1978 through 1981.

Under the special program, a producer shall be permitted to designate, under such regulations as established by the Secretary, a portion of the acreage on the farm intended to be planted to wheat, feed grains, or upland cotton for harvest, not in excess of 40 per centum thereof, or 50 acres, whichever is greater, which shall be planted to wheat (or some other commodity other than corn or grain sorghum) and used by the producer for grazing purposes or hay rather than for commercial grain production. A producer who elects to participate in the special program shall receive a payment as provided in subsection (c) of this section.

Acreage,
designation.

Payment.

“(b) Any producer who elects to participate in the special program under this section shall designate the specific acreage on the farm which is to be used for the purposes set forth in subsection (a) of this section. No crop other than hay may be harvested from acreage included in the special program.

“(c) The Secretary shall pay the producer participating in the special program an amount determined by multiplying the farm program payment yield for wheat established for the farm, by the number of acres included in the special program, by a rate of payment determined by the Secretary to be fair and reasonable. The producer shall not be eligible for any other payment or price support on any portion of the acreage for the farm which the producer elects to include in the special program.

“(d) Acreage included in the special program shall be in addition to any acreage included in any acreage set-aside program otherwise provided for by law.

“(e) The Secretary is authorized to issue such regulations as the Secretary determines necessary to carry out the provisions of this section.

Regulations.

“(f) The Secretary shall carry out the special program through the Commodity Credit Corporation.”.

DAILY RELEASE OF REPORTS OF EXPORT SALES OF AGRICULTURAL COMMODITIES

SEC. 1005. Section 812 of the Agricultural Act of 1970 is amended by inserting immediately after the third sentence thereof a new sentence as follows: “When the Secretary requires that such information be reported by exporters on a daily basis, the information compiled from individual reports shall be made available to the public daily.”.

7 USC 612c-3.

FILBERTS

SEC. 1006. Section 8e of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, is amended by inserting after “oranges, onions, walnuts, dates,” the following: “filberts,”.

7 USC 608e-1.

TITLE XI—GRAIN RESERVES

PRODUCER STORAGE PROGRAM FOR WHEAT AND FEED GRAINS

SEC. 1101. Title I of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new section 110 as follows:

“PRODUCER STORAGE PROGRAM FOR WHEAT AND FEED GRAINS

“SEC. 110. (a) The Secretary shall formulate and administer a program under which producers of wheat and, in the discretion of the Secretary, producers of feed grains will be able to store wheat and

7 USC 1445e.

- Safeguards. feed grains when such commodities are in abundant supply and extend the time period for their orderly marketing. The Secretary shall establish safeguards to assure that wheat and feed grains held under the program shall not be utilized in any manner to unduly depress, manipulate, or curtail the free market. The authority provided by this section shall be in addition to other authorities available to the Secretary for carrying out producer loan and storage operations.
- Terms and conditions. “(b) In carrying out the producer storage program, the Secretary may provide original or extended price support loans for wheat and feed grains at the same level of support as provided by this Act under terms and conditions designed to encourage producers to store wheat and feed grains for extended periods of time in order to promote orderly marketing when wheat or feed grains are in abundant supply. Among such other terms and conditions as the Secretary may prescribe by regulation, the program shall provide for (1) repayment of such loans in not less than three years nor more than five years; (2) payment to producers of such amounts as the Secretary determines appropriate to cover the cost of storing wheat and feed grains held under the program; (3) a rate of interest determined by the Secretary based upon the rate of interest charged the Commodity Credit Corporation by the United States Treasury, except that the Secretary may waive or adjust such interest; (4) recovery of amounts paid for storage, and for the payment of additional interest or other charges in the event such loans are repaid by producers before the market price for wheat or feed grains has reached the price levels specified in clause (5) of this subsection; (5) conditions designed to induce producers to redeem and market the wheat or feed grains securing such loans without regard to the maturity dates thereof whenever the Secretary determines that the market price of wheat has attained a specified level which is not less than 140 per centum nor more than 160 per centum of the then current level of price support for wheat or such appropriate level for feed grains, as determined by the Secretary; and (6) conditions prescribed by the Secretary under which the Secretary may require producers to repay such loans, plus accrued interest thereon, refund amounts paid for storage, and pay such additional interest and other charges as may be required by regulation, whenever the Secretary determines that the market price for the commodity is not less than 175 per centum of the then current level of price support for wheat or such appropriate level for feed grains as determined by the Secretary under this Act.
- Waiver.
- Announcement. “(c) The Secretary shall announce the terms and conditions of the producer storage program as far in advance of making loans as practicable. In such announcement, the Secretary shall specify the quantity of wheat or feed grains to be stored under the program which the Secretary determines appropriate to promote the orderly marketing of such commodities. The quantity of wheat shall not be less than three hundred million bushels nor more than seven hundred million bushels: *Provided*, That such maximum amount may be adjusted by the Secretary as necessary to meet such commitments as may be assumed by the United States pursuant to an international agreement containing provisions relating to grain reserves.
- Restriction. “(d) Notwithstanding any other provision of law, whenever the extended loan program authorized by this section is in effect, the Commodity Credit Corporation may not sell any of its stocks of wheat or feed grains at less than 150 per centum of the then current level of price support for such commodity: *Provided*, That such restriction shall not apply to—

“(1) sales of such commodities which have substantially deteriorated in quality or as to which there is a danger of loss or waste through deterioration or spoilage; and

“(2) sales or other disposals of such commodities under (A) the fifth and sixth sentences of section 407 of this Act; (B) the Act of September 21, 1959 (73 Stat. 574, as amended; 7 U.S.C. 1427 note), and (C) section 813 of the Agricultural Act of 1970.

7 USC 1427.

Ante, p. 927.

Infra.

Grain
reconcentration.

“(e) The Secretary may, with the concurrence of the owner of grain stored under the program authorized by this section, reconcentrate all such grain stored in commercial warehouses at such points as the Secretary deems to be in the public interest, taking into account such factors as transportation and normal marketing patterns. The Secretary shall permit rotation of stocks and facilitate maintenance of quality under regulations which assure that the holding producer or warehouseman shall, at all times, have available for delivery at the designated place of storage both the quantity and quality of grain covered by his commitment.

“(f) Whenever grain is stored under the provisions of this section, the Secretary may buy and sell at an equivalent price, allowing for the customary location and grade differentials, substantially equivalent quantities of grain in different locations or warehouses to the extent needed to properly handle, rotate, distribute, and locate such commodities which the Commodity Credit Corporation owns or controls. Such purchases to offset sales shall be made within two market days following the sales. The Secretary shall make a daily list available showing the price, location, and quantity of the transactions.

Purchases.

Daily list.

“(g) The Secretary shall use the Commodity Credit Corporation, to the extent feasible, to fulfill the purposes of this section. In addition, to the maximum extent practicable consistent with the fulfillment of the purposes of this section and the effective and efficient administration of this section, the Secretary shall utilize the usual and customary channels, facilities, and arrangements of trade and commerce.”.

INTERNATIONAL EMERGENCY FOOD RESERVE

SEC. 1102. Title I of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new section 111 as follows:

“INTERNATIONAL EMERGENCY FOOD RESERVE

“SEC. 111. The President is encouraged to enter into negotiations with other nations to develop an international system of food reserves to provide for humanitarian food relief needs and to establish and maintain a food reserve, as a contribution of the United States toward the development of such a system, to be made available in the event of food emergencies in foreign countries. The reserves shall be known as the International Emergency Food Reserve.”.

Negotiations.
Reserve system,
establishment.
7 USC 1445f.

DISASTER RESERVE

SEC. 1103. Section 813 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973, is amended as follows:

7 USC 1427a.

(a) Subsection (b) is amended to read as follows:

“(b) The Secretary shall acquire such commodities through the price support program. However, if the Secretary determines that no wheat, feed grains, or soybeans are available through the price support pro-

Commodity
acquisition.

gram at locations where they may be economically utilized to alleviate distress caused by a natural disaster, the Secretary is authorized to purchase through the facilities of the Commodity Credit Corporation such wheat, feed grains, soybeans, hay, or other livestock forages as the Secretary deems necessary for disposition in accordance with the authority provided in subsection (d) of this section. The Secretary may acquire wheat, feed grains, soybeans, hay, or other livestock forages at such locations, at such times, and in such quantities as the Secretary finds necessary and appropriate and may pay such transportation and other costs as may be required to permit disposition of such wheat, feed grains, soybeans, hay, and other livestock forages under subsection (d) of this section.”

Commodity
disposition.

(b) Subsection (d) is amended to read as follows:

“(d) The Secretary is also authorized to dispose of such commodities only for (1) use in relieving distress (A) in any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands of the United States, (B) in connection with any major disaster or emergency determined by the President to warrant assistance by the Federal Government under the Disaster Relief Act of 1974 (88 Stat. 143, as amended; 42 U.S.C. 5121), and (C) in connection with any emergency determined by the Secretary to warrant assistance under section 407 of the Agricultural Act of 1949 (63 Stat. 1055, as amended; 7 U.S.C. 1427), the Act of September 21, 1959 (73 Stat. 574, as amended; 7 U.S.C. 1427 note), or section 1105 of the Food and Agriculture Act of 1977; or (2) use in connection with a state of civil defense emergency as proclaimed by the President or by concurrent resolution of the Congress in accordance with the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251-2297).”

Ante, pp. 927,
939.

FARM STORAGE FACILITY LOANS

Limitations.

SEC. 1104. Effective only with respect to the fiscal years beginning October 1, 1977, and ending September 30, 1981, section 4(h) of the Commodity Credit Corporation Charter Act (62 Stat. 1070, as amended; 15 U.S.C. 714b(h)) is amended by inserting immediately before the period at the end of the second sentence the following: “: *And provided further*, That to encourage the storage of dry or high moisture grain, soybeans, and rice, and high moisture forage and silage on farms, where the commodities can be stored at the lowest cost, the Corporation shall—during the period beginning October 1, 1977, and ending September 30, 1981—make secured storage facility loans not to exceed \$50,000 to growers of such commodities in amounts not less than 75 per centum of the total construction cost of such facility, including but not limited to the cost of structural and equipment foundations, electrical systems, grain handling systems, drying equipment, and site preparation, or, in the discretion of the Corporation, such loans may be made in such amounts not to exceed \$50,000 to cover remodeling costs of existing storage facilities, as are set forth in regulations issued by the Secretary; the size of such facility for which a loan is obtained shall be based upon the amount of space required to store the quantity of the commodity estimated to be produced by the borrower during a two-year period; such loans shall be for a period not to exceed ten years at an interest rate based upon the rate of interest charged the Corporation by the United States Treasury; and the loans shall be deducted from the proceeds of price support loans or purchase agreements made between the Corporation and the growers”.

EMERGENCY FEED PROGRAM

SEC. 1105. (a) Notwithstanding any other provision of law, the Secretary of Agriculture may implement an emergency feed program for assistance in the preservation and maintenance of livestock in any area of the United States, including Puerto Rico, Guam, and the Virgin Islands of the United States, where, because of flood, drought, fire, hurricane, earthquake, storm, or other natural disaster, the Secretary determines that an emergency exists. 7 USC 2267.

(b) The Secretary shall not provide assistance under this section to any person unless all of the following conditions created by the emergency are present: Conditions.

(1) The person has suffered a substantial loss in the livestock feed normally produced on the farm for such person's livestock;

(2) The person does not have sufficient feed for such person's livestock for the estimated period of the emergency; and

(3) The person is required to make feed purchases during the period of the emergency in quantities larger than such person would normally make.

(c) Persons eligible for assistance under the program formulated under this section may be reimbursed for not to exceed 50 per centum of the cost of the feed purchased by such eligible persons during the period of emergency, as announced by the Secretary of Agriculture, or at such lower rate as may be established by the Secretary.

(d) Any person who disposes of any feed for which such person is reimbursed under this section, in any manner other than as authorized by the Secretary, shall be subject to a penalty equal to the market value of the feed involved, to be recovered by the Secretary in a civil suit brought for that purpose. In addition, such person shall be subject to a fine of not more than \$10,000, or imprisonment for not more than one year, or both. Penalty.

(e) The Secretary is authorized to issue such regulations as the Secretary determines necessary to carry out the provisions of this section. Regulations.

(f) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

(g) Notwithstanding any other provision of law, the Secretary shall not delegate the authority to administer the emergency feed program to any other department, agency, or entity, public or private.

TITLE XII—PUBLIC LAW 480

AUTHORITY FOR THE COMMODITY CREDIT CORPORATION TO ACT AS
PURCHASING OR SHIPPING AGENT UNDER TITLE I

SEC. 1201. Section 102 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by inserting immediately before the period at the end thereof the following: "and, when requested by the purchaser of such commodities, may serve as the purchasing or shipping agent, or both, in arranging the purchasing or shipping of such commodities". 7 USC 1702.

TITLE I SALES PROCEDURES

SEC. 1202. Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by adding at the end thereof a new section 115 as follows:

Bids.
7 USC 1715.

"SEC. 115. (a) No purchases of food commodities shall be financed under this title unless they are made on the basis of an invitation for bid publicly advertised in the United States and on the basis of bid offerings which shall conform to such invitation and shall be received and publicly opened in the United States. All awards in the purchase of commodities financed under this title shall be consistent with open, competitive, and responsive bid procedures, as determined by the Secretary of Agriculture. Commissions, fees, or other payments to any selling agent shall—unless waived by the Secretary—be prohibited in any purchase of food commodities financed under this title.

Payment, reports
to Secretary.

"(b) Notwithstanding any other provision of law, any commission, fee, or other compensation of any kind paid or to be paid by any supplier of a commodity or ocean transportation financed by the Commodity Credit Corporation under this title, to any agents, brokers, or other representatives of the importer or importing country, including a corporation owned or controlled by the importer or the government of the importing country, shall be reported to the Secretary of Agriculture by the supplier of the commodity or ocean transportation. The report shall identify the person or entity to whom the payment is made and the transaction in connection with which the payment is made. The Secretary shall maintain such information for public inspection, publish a report thereof annually, and forward a copy of the report to the Committee on Agriculture and the Committee on International Relations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. Any supplier of a commodity or ocean transportation who fails to file such a report or who files a false report shall be ineligible to furnish—directly or indirectly—commodities or ocean transportation financed under this title for a period of five years."

Information,
availability to
public.
Publication.
Transmittal to
congressional
committees.
Penalty.

INCREASED APPROPRIATION LIMIT FOR TITLE II

7 USC 1724. SEC. 1203. Section 204 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out "\$600,000,000" in the first sentence and inserting in lieu thereof "\$750,000,000".

AVAILABILITY OF COMMODITIES

7 USC 1731. SEC. 1204. Section 401(a) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out the period at the end of the last sentence and inserting in lieu thereof a comma and the following: "unless the Secretary of Agriculture determines that some part of the supply thereof should be used to carry out urgent humanitarian purposes of this Act."

FINANCING THE SALE OF FOOD AND FIBER COMMODITIES

7 USC 1732. SEC. 1205. Section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by adding at the end thereof a new sentence as follows: "In the allocation of funds made available under title I of this Act, priority shall be given to financing the sale of food and fiber commodities."

VALUATION OF COMMODITIES ACQUIRED THROUGH PRICE SUPPORT PROGRAMS

7 USC 1733. SEC. 1206. Section 403 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by—

(1) inserting "(a)" immediately after the section designation; and

(2) adding at the end thereof a new subsection (b) as follows:
 “(b) Notwithstanding any other provision of law, in determining the reimbursement due the Commodity Credit Corporation for all costs incurred under this Act, commodities from the Commodity Credit Corporation inventory, which were acquired under a domestic price support program, shall be valued at the export market price therefor, as determined by the Secretary of Agriculture, as of the time the commodity is made available under this Act.”.

REVISED REGULATIONS GOVERNING OPERATIONS; BAGGED COMMODITIES

SEC. 1207. Section 408 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by adding at the end thereof new subsections (d) and (e) as follows: 7 USC 1736b.

“(d) (1) Not later than six months following the date of enactment of this subsection, and at each two-year interval thereafter, the Secretary of Agriculture shall issue revised regulations governing all operations under title I of this Act, including operations relating to purchasing countries, suppliers of commodities or ships, and purchasing or shipping agents. The regulations shall include, but not be limited to, prohibitions against conflicts of interest, as determined by the Secretary, between (A) recipient countries (or other purchasing entities) and their agents, (B) suppliers of commodities, (C) suppliers of ships, and (D) other shipping interests.

“(2) The regulations shall be designed to encourage an increase in the number of exporters participating in the program.

“(3) All revised regulations governing operations under title I and title III of this Act shall be transmitted to Congress by the Secretary as soon as practicable after their issuance. Transmittal to Congress.
7 USC 1701, 1427.

“(e) Bagged commodities for the purpose of financing by the Commodity Credit Corporation under this Act may, subject to regulations issued by the Secretary of Agriculture, be considered ‘exported’ upon delivery at port, and upon presentation of a dock receipt in lieu of an on-board bill of lading.”.

EXTENSION OF THE PROGRAM

SEC. 1208. Section 409 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out “1977.” and inserting in lieu thereof the following: “1981. New spending authority provided for title I of this Act by the amendment to this section made by the Food and Agriculture Act of 1977 shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.”. 7 USC 1736c.

USE OF NONPRICE-SUPPORTED COMMODITIES UNDER PUBLIC LAW 480

SEC. 1209. It is the sense of Congress that there be no discrimination between “price-supported” and “nonprice-supported” commodities in the programing of commodities under the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480). 7 USC 1691 note.
7 USC 1691 *et seq.*

SPECIAL TASK FORCE ON THE OPERATION OF PUBLIC LAW 480

SEC. 1210. (a) It is the sense of Congress that attention be given to handling, storage, transportation, and administrative procedures in order to make improvements in the operation of the Agricultural 7 USC 1691 note.

7 USC 1691 *et seq.*
Appointment.
Review and
report.

Trade Development and Assistance Act of 1954, as amended (Public Law 480). Toward this objective, the Secretary of Agriculture shall appoint a special task force to review and report upon the administration of the Act.

(b) Such review shall include, but not be limited to, organizational arrangements for the administration of Public Law 480, or parts thereof, title I allocation criteria and procedures, quality control, including handling and storage through the first stage of distribution in the recipient country, and regulation of businesses and organizations to which services are contracted under Public Law 480.

Report to
Congress.
Legislative
recommendations.

(c) Not later than eighteen months following enactment of this Act, the Secretary of Agriculture shall transmit to Congress the report of such task force, along with administrative actions the Secretary has taken or intends to take as a result of such report, and recommendations, if any, for legislative changes.

TITLE XIII—FOOD STAMP AND COMMODITY DISTRIBUTION PROGRAMS

FOOD STAMP ACT OF 1964 AMENDMENTS

Effective date.
7 USC 2011 note.

SEC. 1301. Effective October 1, 1977, the Food Stamp Act of 1964, as amended, is amended to read as follows:

“SHORT TITLE

Food Stamp Act
of 1977.
7 USC 2011 note.

“SECTION 1. This Act may be cited as the ‘Food Stamp Act of 1977’.

“DECLARATION OF POLICY

7 USC 2011.

“SEC. 2. It is hereby declared to be the policy of Congress, in order to promote the general welfare, to safeguard the health and well-being of the Nation’s population by raising levels of nutrition among low-income households. Congress hereby finds that the limited food purchasing power of low-income households contributes to hunger and malnutrition among members of such households. Congress further finds that increased utilization of food in establishing and maintaining adequate national levels of nutrition will promote the distribution in a beneficial manner of the Nation’s agricultural abundance and will strengthen the Nation’s agricultural economy, as well as result in more orderly marketing and distribution of foods. To alleviate such hunger and malnutrition, a food stamp program is herein authorized which will permit low-income households to obtain a more nutritious diet through normal channels of trade by increasing food purchasing power for all eligible households who apply for participation.

“DEFINITIONS

7 USC 2012.

“SEC. 3. As used in this Act, the term:

“(a) ‘Allotment’ means the total value of coupons a household is authorized to receive during each month.

“(b) ‘Authorization card’ means the document issued by the State agency to an eligible household which shows the allotment the household is entitled to be issued.

“(c) ‘Certification period’ means the period for which households shall be eligible to receive authorization cards. In the case of a household all of whose members are included in a federally aided public

assistance or general assistance grant, the period shall coincide with the period of such grant. In the case of all other households the period shall be not less than three months: *Provided*, That such period may be up to twelve months for any household consisting entirely of unemployed or elderly or primarily self-employed persons, or as short as circumstances require for those households as to which there is a substantial likelihood of frequent changes in income or household status, and for any household on initial certification, as determined by the Secretary.

“(d) ‘Coupon’ means any coupon, stamp, or type of certificate issued pursuant to the provisions of this Act.

“(e) ‘Coupon issuer’ means any office of the State agency or any person, partnership, corporation, organization, political subdivision, or other entity with which a State agency has contracted for, or to which it has delegated functional responsibility in connection with, the issuance of coupons to households.

“(f) ‘Drug addiction or alcoholic treatment and rehabilitation program’ means any such program conducted by a private nonprofit organization or institution which is certified by the State agency or agencies designated by the Governor as responsible for the administration of the State’s programs for alcoholics and drug addicts pursuant to Public Law 91-616 (Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970) and Public Law 92-255 (Drug Abuse Office and Treatment Act of 1972) as providing treatment that can lead to the rehabilitation of drug addicts or alcoholics.

42 USC 4551
note.
21 USC 1101
note.

“(g) ‘Food’ means (1) any food or food product for home consumption except alcoholic beverages, tobacco, and hot foods or hot food products ready for immediate consumption other than those authorized pursuant to clauses (3), (4), and (5) of this subsection, (2) seeds and plants for use in gardens to produce food for the personal consumption of the eligible household, (3) in the case of those persons who are sixty years of age or over or who receive supplemental security income benefits under title XVI of the Social Security Act, and their spouses, meals prepared by and served in senior citizens’ centers, apartment buildings occupied primarily by such persons, public or private nonprofit establishments (eating or otherwise) that feed such persons, private establishments that contract with the appropriate agency of the State to offer meals for such persons at concessional prices, and meals prepared for and served to residents of federally subsidized housing for the elderly, (4) in the case of persons sixty years of age or over and persons who are physically or mentally handicapped or otherwise so disabled that they are unable adequately to prepare all of their meals, meals prepared for and delivered to them (and their spouses) at their home by a public or private nonprofit organization or by a private establishment that contracts with the appropriate State agency to perform such services at concessional prices, (5) in the case of narcotics addicts or alcoholics served by drug addiction or alcoholic treatment and rehabilitation programs, meals prepared and served under such programs, and (6) in the case of certain eligible households living in Alaska, equipment for procuring food by hunting and fishing, such as nets, hooks, rods, harpoons, and knives (but not equipment for purposes of transportation, clothing, or shelter, and not firearms, ammunition, and explosives) if the Secretary determines that such households are located in an area of the State where it is extremely difficult to reach stores selling food and that such households depend to a substantial extent upon hunting and fishing for subsistence.

42 USC 1381.

“(h) ‘Food stamp program’ means the program operated pursuant to the provisions of this Act.

“(i) ‘Household’ means (1) an individual who lives alone or who, while living with others, customarily purchases food and prepares meals for home consumption separate and apart from the others, or else pays compensation to the others for such meals, or (2) a group of individuals who live together and customarily purchase food and prepare meals together for home consumption or else live with others and pay compensation to the others for such meals. In neither event shall any individual or group of individuals constitute a household if they reside in an institution or boarding house. For the purposes of this subsection, residents of federally subsidized housing for the elderly and narcotics addicts or alcoholics who live under the supervision of a private nonprofit institution for the purpose of regular participation in a drug or alcoholic treatment program shall not be considered residents of institutions.

“(j) ‘Reservation’ means the geographically defined area or areas over which a tribal organization (as that term is defined in section 3(p) of this Act) exercises governmental jurisdiction.

“(k) ‘Retail food store’ means (1) an establishment or recognized department thereof or house-to-house trade route, over 50 per centum of whose food sales volume consists of staple food items for home preparation and consumption, such as meat, poultry, fish, bread, cereals, vegetables, fruits, dairy products, and the like, but not including accessory food items, such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, and spices, (2) an establishment, organization or program referred to in subsections (g) (3), (4), and (5) of this section, (3) a store purveying the hunting and fishing equipment described in subsection (g) (6) of this section, and (4) any private nonprofit cooperative food purchasing venture, including those in which the members pay for food purchased prior to the receipt of such food.

“(l) ‘Secretary’ means the Secretary of Agriculture.

“(m) ‘State’ means the fifty States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands of the United States, and the reservations of an Indian tribe whose tribal organization meets the requirements of this Act for participation as a State agency.

“(n) ‘State agency’ means (1) the agency of State government, including the local offices thereof, which has the responsibility for the administration of the federally aided public assistance programs within such State, and in those States where such assistance programs are operated on a decentralized basis, the term shall include the counterpart local agencies administering such programs, and (2) the tribal organization of an Indian tribe determined by the Secretary to be capable of effectively administering a food distribution program under section 4(b) of this Act or a food stamp program under section 11(d) of this Act.

“(o) ‘Thrifty food plan’ means the diet required to feed a family of four persons consisting of a man and a woman twenty through fifty-four, a child six through eight, and a child nine through eleven years of age, determined in accordance with the Secretary’s calculations. The cost of such diet shall be the basis for uniform allotments for all households regardless of their actual composition, except that the Secretary shall (1) make household-size adjustments taking into account economies of scale, (2) make cost adjustments in the thrifty food plan for Alaska and Hawaii to reflect the cost of food in those States, (3) make cost adjustments in the separate thrifty food plans for Guam, Puerto

Rico, and the Virgin Islands of the United States to reflect the cost of food in those States, but not to exceed the cost of food in the fifty States and the District of Columbia, and (4) adjust the cost of such diet every January 1 and July 1 to the nearest dollar increment to reflect changes in the cost of the thrifty food plan for the six months ending the preceding September 30 and March 31, respectively.

“(p) ‘Tribal organization’ means the recognized governing body of an Indian tribe (including the tribally recognized intertribal organization of such tribes), as the term ‘Indian tribe’ is defined in the Indian Self-Determination Act (25 U.S.C. 450b(b)), as well as any Indian tribe, band, or community holding a treaty with a State government.

25 USC 450f
note.

“ESTABLISHMENT OF THE FOOD STAMP PROGRAM

“SEC. 4. (a) Subject to the availability of funds appropriated under section 18 of this Act, the Secretary is authorized to formulate and administer a food stamp program under which, at the request of the State agency, eligible households within the State shall be provided an opportunity to obtain a more nutritious diet through the issuance to them of an allotment. The coupons so received by such households shall be used only to purchase food from retail food stores which have been approved for participation in the food stamp program. Coupons issued and used as provided in this Act shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States.

Administration.
7 USC 2013.

Coupons.

“(b) In jurisdictions where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any law, except that distribution may be made (1) on a temporary basis under programs authorized by law to meet disaster relief needs, or (2) for the purpose of the commodity supplemental food program. Distribution of commodities, with or without the food stamp program, shall also be made whenever a request for concurrent or separate food program operations, respectively, is made by a tribal organization. In the event of distribution on all or part of an Indian reservation, the appropriate agency of the State government in the area involved shall be responsible for such distribution, except that, if the Secretary determines that the tribal organization is capable of effectively and efficiently administering such distribution, then such tribal organizations shall administer such distribution: *Provided*, That the Secretary shall not approve any plan for such distribution which permits any household on any Indian reservation to participate simultaneously in the food stamp program and the distribution of federally donated foods. The Secretary is authorized to pay such amounts for administrative costs of such distribution on Indian reservations as the Secretary finds necessary for effective administration of such distribution by a State agency or tribal organization.

Distribution of
food.

Request by tribal
organization.

Administrative
costs.

“(c) The Secretary shall issue such regulations consistent with this Act as the Secretary deems necessary or appropriate for the effective and efficient administration of the food stamp program and shall promulgate all such regulations in accordance with the procedures set forth in section 553 of title 5 of the United States Code. In addition, prior to issuing any regulation, the Secretary shall provide the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a copy of the regulation with a detailed statement justifying it.

Regulations.

Statement,
transmittal to
congressional
committees.

“ELIGIBLE HOUSEHOLDS

7 USC 2014.

“SEC. 5. (a) Participation in the food stamp program shall be limited to those households whose incomes and other financial resources, held singly or in joint ownership, are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Assistance under this program shall be furnished to all eligible households who make application for such participation.

Standards.

“(b) The Secretary shall establish uniform national standards of eligibility (other than the income standards for Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands of the United States established in accordance with subsections (c) and (e) of this section) for participation by households in the food stamp program in accordance with the provisions of this section. No plan of operation submitted by a State agency shall be approved unless the standards of eligibility meet those established by the Secretary, and no State agency shall impose any other standards of eligibility as a condition for participating in the program.

State plans.

Income
standards,
guidelines.

“(c) The income standards of eligibility shall be the nonfarm income poverty guidelines prescribed by the Office of Management and Budget adjusted annually pursuant to section 625 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2971d), for the forty-eight States and the District of Columbia, Alaska, Hawaii, Puerto Rico, the Virgin Islands of the United States, and Guam, respectively: *Provided*, That in no event shall the standards of eligibility for Puerto Rico, the Virgin Islands of the United States, or Guam exceed those in the forty-eight contiguous States: *Provided further*, That the income poverty guidelines for the period commencing July 1, 1978, shall be made as up to date as possible by multiplying the income poverty guidelines for 1977 by the change between the average 1977 Consumer Price Index and the Consumer Price Index for March 1978, utilizing the most current procedures which have been used by the Office of Management and Budget, and the income poverty guidelines for future periods shall be similarly adjusted.

“(d) Household income for purposes of the food stamp program shall include all income from whatever source excluding only (1) any gain or benefit which is not in the form of money payable directly to a household, (2) any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated, but not in excess of \$30 in a quarter, (3) all educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like to the extent that they are used for tuition and mandatory school fees at an institution of higher education or school for the handicapped, (4) all loans other than educational loans on which repayment is deferred, (5) reimbursements which do not exceed expenses actually incurred and which do not represent a gain or benefit to the household, (6) moneys received and used for the care and maintenance of a third-party beneficiary who is not a household member, (7) income earned by a child who is a member of the household, who is a student, and who has not attained his eighteenth birthday, (8) moneys received in the form of nonrecurring lump-sum payments, including, but not limited to, income tax refunds, rebates, or credits, retroactive lump-sum social security or railroad retirement pension payments and retroactive lump-sum insurance settlements: *Provided*, That such payments shall be counted as resources, unless specifically excluded by other laws, (9) the cost of producing self-employed income, and (10) any income that any other law specifically excludes from consideration as income for the purpose of determining eligibility for the food stamp program.

“(e) In computing household income, the Secretary shall allow a standard deduction of \$60 a month for each household, except that households in Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands of the United States shall be allowed a standard deduction determined by the Secretary in accordance with the best available information on the relationship of actual or potential itemized deductions claimed under the food stamp program in those areas to such deductions in the forty-eight contiguous States and the District of Columbia. Such standard deductions, starting July 1, 1978, shall be adjusted every July 1 and January 1 to the nearest \$5 to reflect changes in the Consumer Price Index of the Bureau of Labor Statistics for items other than food for the six months ending the preceding March 31 and September 30, respectively. All households with earned income shall be allowed an additional deduction of 20 per centum of all earned income (other than that excluded by subsection (d) of this section), to compensate for taxes, other mandatory deductions from salary, and work expenses. Households shall also be entitled to (1) a dependent care deduction, the maximum allowable level of which shall be the same as that for the excess shelter expense deduction contained in clause (2) of this subsection, for the actual cost of payments necessary for the care of a dependent, regardless of the dependent’s age, when such care enables a household member to accept or continue employment, or training or education which is preparatory for employment, or (2) an excess shelter expense deduction to the extent that the monthly amount expended by a household for shelter exceeds an amount equal to 50 per centum of monthly household income after all other applicable deductions have been allowed: *Provided*, That the amount of such excess shelter expense deduction shall not exceed \$75 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands of the United States, amounts determined by the Secretary in accordance with the best available information on the relationship of the actual shelter costs in those areas to such costs in the forty-eight contiguous States and the District of Columbia, adjusted annually (commencing July 1, 1978) to the nearest \$5 increment to reflect changes in the shelter, fuel, and utilities components of housing costs in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor for the twelve-month period ending the preceding March 31, or (3) a deduction combining the dependent care and excess shelter expense deductions under clauses (1) and (2) of this subsection, the maximum allowable level of which shall not exceed the maximum allowable deduction under clause (2) of this subsection.

Standard deduction, allowance.

Adjustment.

Additional deductions.

Limitation.

“(f) Household income shall be calculated by the State agency for the purpose of determining household eligibility. The State agency in calculating household income shall take into account the income reasonably anticipated to be received by the household in the certification period for which eligibility is being determined and the income which has been received by the household during the thirty days preceding the filing of its application for food stamps so that the State agency may reasonably ascertain the income that is and will be actually available to the household for the certification period, except that for (1) those households which by contract for other than an hourly or piecework basis, or by self-employment, derive their annual income in a period of time shorter than one year, income shall be calculated by being averaged over a twelve-month period and (2) those

Calculation by State agency.

Financial
resources,
allowances.

households which receive nonexcluded income of the type specified in subsection (d) (3) of this section, income shall be calculated by being averaged over the period for which it is provided.

Study, report to
congressional
committees.

“(g) The Secretary shall prescribe the types and allowable amounts of financial resources (liquid and nonliquid assets) an eligible household may own, and shall, in so doing, assure that a household otherwise eligible to participate in the food stamp program will not be eligible to participate if its resources exceed \$1,750, or, in the case of a household consisting of two or more persons, one of whom is age 60 or over, if its resources exceed \$3,000. The Secretary shall, in prescribing inclusions in, and exclusions from, financial resources, follow the regulations in force as of June 1, 1977, and shall, in addition, (1) include in financial resources any boats, snowmobiles, and airplanes used for recreational purposes, any vacation homes, any mobile homes used primarily for vacation purposes, and any licensed vehicle (other than one used to produce earned income) used for household transportation or used to obtain or continue employment or to transport disabled household members to the extent that the fair market value of any such vehicle exceeds \$4,500, and (2) study and develop means of improving the effectiveness of these resource requirements in limiting participation to households in need of food assistance, and implement and report the results of such study and the Secretary’s plans to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate no later than June 1, 1978.

Emergency
standards.
42 USC 5142.

“(h) (1) The Secretary shall, after consultation with the official empowered to exercise the authority provided for by section 302(a) of the Disaster Relief Act of 1974, establish temporary emergency standards of eligibility for the duration of the emergency for households who are victims of a disaster which disrupts commercial channels of food distribution, if such households are in need of temporary food assistance and if commercial channels of food distribution have again become available to meet the temporary food needs of such households. Such standards as are prescribed for individual emergencies may be promulgated without regard to section 4(c) of this Act or the procedures set forth in section 553 of title 5 of the United States Code.

Food Stamp
Disaster Task
Force.
Establishment.

“(2) The Secretary shall establish a Food Stamp Disaster Task Force, to assist States in implementing and operating the disaster program, which shall be available to go into a disaster area and provide direct assistance to State and local officials.

“ELIGIBILITY DISQUALIFICATIONS

7 USC 2015.

“SEC. 6. (a) In addition to meeting the standards of eligibility prescribed in section 5 of this Act, households and individuals who are members of eligible households must also meet and comply with the specific requirements of this section to be eligible for participation in the food stamp program.

“(b) No individual who is a member of a household otherwise eligible to participate in the food stamp program shall be eligible to participate for (1) three months after such individual has been found by a State agency after notice and hearing at the State level, or after failure to appeal a local hearing to the State level, to have fraudulently used, presented, transferred, acquired, received, possessed, or altered coupons or authorization cards, or (2) a period of not less than six and not more than twenty-four months, as determined by the court, after

such individual has been found by a court of appropriate jurisdiction, with a State or a political subdivision thereof or the United States as prosecutor or plaintiff, to have been criminally or civilly fraudulent in the use, presentation, transfer, acquisition, receipt, possession, or alteration of coupons or authorization cards, or (3) both of the periods specified in clauses (1) and (2) of this subsection. Each such period of ineligibility is to take effect immediately upon the relevant administrative or judicial finding and to remain in effect, without possibility of administrative stay, unless and until the finding of fraud is subsequently reversed by a court of appropriate jurisdiction, but in no event shall the period of disqualification be subject to judicial review.

“(c) No household shall be eligible to participate in the food stamp program if it refuses to cooperate in providing information to the State agency that is necessary for making a determination of its eligibility or for completing any subsequent review of its eligibility. Every household that is participating in the food stamp program shall report or cause to be reported to the State agency, on a form designed or approved by the Secretary (that shall contain a description in understandable terms in prominent and boldface lettering of the appropriate civil and criminal provisions dealing with violations of this Act, including the penalties therefor, by members of an eligible household) changes in income or household circumstances which the Secretary deems necessary in order to assure accurate eligibility and benefit determinations. The reporting requirement prescribed by this subsection shall be the sole such requirement for reporting changes in income or in household circumstances for participating households.

Changes, report
to State agency.

“(d) (1) Unless otherwise exempted by the provisions of paragraph (d) (2) of this subsection, no household shall be eligible for assistance under this Act if it includes a physically and mentally fit person between the ages of eighteen and sixty who (i) refuses at the time of application and once every six months thereafter to register for employment in a manner determined by the Secretary; (ii) refuses to fulfill whatever reasonable reporting and inquiry about employment requirements as are prescribed by the Secretary; (iii) is head of the household and voluntarily quits any job without good cause, unless the household was certified for benefits under this Act immediately prior to such unemployment: *Provided*, That the period of ineligibility shall be sixty days from the time of the voluntary quit; or (iv) refuses without good cause to accept an offer of employment at a wage not less than the higher of either the applicable State or Federal minimum wage, or 80 per centum of the wage that would have governed had the minimum hourly rate under the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(a)(1)), been applicable to the offer of employment, and at a site or plant not then subject to a strike or lockout.

“(2) A person who otherwise would be required to comply with the requirements of paragraph (1) of this subsection shall be exempt from such requirements if he or she is (A) currently subject to and complying with a work registration requirement under title IV of the Social Security Act, as amended (42 U.S.C. 602), or the Federal-State unemployment compensation system; (B) a parent or other member of a household with responsibility for the care of a dependent child under age twelve or of an incapacitated person; (C) a parent or other caretaker of a child in a household where there is another able-bodied parent who is subject to the requirements of this subsection; (D) a bona fide student enrolled at least half time in

Exemptions.

any recognized school, training program, or institution of higher education (except that any such person shall be subject to the requirements of paragraph (1) of this subsection during any period of more than thirty days when such school or program is in vacation or recess and any such person enrolled in an institution of higher education shall be subject to the requirements of subsection (e)(3)(B) of this section as well); (E) a regular participant in a drug addiction or alcoholic treatment and rehabilitation program; or (F) employed a minimum of thirty hours per week or receiving weekly earnings which equal the minimum hourly rate under the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(a)(1)), multiplied by thirty hours.

“(3) To the extent that a State employment service is assigned responsibility for administering the provisions of subsection (d) of this section, it shall comply with regulations issued jointly by the Secretary and the Secretary of Labor, which regulations shall be patterned to the maximum extent practicable on the work incentive program requirements set forth in title IV of the Social Security Act (42 U.S.C. 630 et. seq.) and shall take into account the diversity of the needs of the food stamp work registration population.

“(e) No individual who is a member of a household otherwise eligible to participate in the food stamp program under this section shall be eligible to participate in the food stamp program as a member of that or any other household if he or she (1) has reached his or her eighteenth birthday, (2) is enrolled at least half time in an institution of higher education, and (3) (A) is properly claimed or could properly be claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household or (B) during the regular school year (i) is not employed a minimum of twenty hours per week or is not participating in a federally financed work study program, (ii) does not have weekly earnings which at least equal the minimum hourly rate under the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(a)(1)), multiplied by twenty hours, (iii) is not registered for work amounting to at least twenty hours per week, (iv) is not the head of a household containing one or more other persons who are dependents of that individual because he or she supplies more than half of their support, or (v) is not covered by an exemption from the work registration requirement contained in subsection (d) of this section other than clause (D) of paragraph (2) of that subsection.

“(f) No individual who is a member of a household otherwise eligible to participate in the food stamp program under this section shall be eligible to participate in the food stamp program as a member of that or any other household unless he or she is (1) a resident of the United States and (2) either (A) a citizen or (B) an alien lawfully admitted for permanent residence as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) and 8 U.S.C. 1101(a)(20)), excluding, among others, alien visitors, tourists, diplomats, and students who enter the United States temporarily with no intention of abandoning their residence in a foreign country; or (C) an alien who entered the United States prior to June 30, 1948, or such subsequent date as is enacted by law, has continuously maintained his or her residence in the United States since then, and is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General pursuant to section 249 of the Immigration and Nationality Act (8 U.S.C.

1259) ; or (D) an alien who has qualified for conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity; or (E) an alien who is lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) ; or (F) an alien within the United States as to whom the Attorney General has withheld deportation pursuant to section 243 of the Immigration and Nationality Act (8 U.S.C. 1253(h)) because of the judgment of the Attorney General that the alien would otherwise be subject to persecution on account of race, religion, or political opinion. No aliens other than the ones specifically described in clauses (B) through (F) of this subsection shall be eligible to participate in the food stamp program as a member of any household.

“(g) No individual who receives supplemental security income benefits under title XVI of the Social Security Act, State supplementary payments described in section 1616 of such Act, or payments of the type referred to in section 212(a) of Public Law 93-66, as amended, shall be considered to be a member of a household for any month, if, for such month, such individual resides in a State which provides State supplementary payments (1) of the type described in section 1616(a) of the Social Security Act and section 212(a) of Public Law 93-66, and (2) the level of which has been found by the Secretary of Health, Education, and Welfare to have been specifically increased so as to include the bonus value of food stamps.

“(h) No household that knowingly transfers assets for the purpose of qualifying or attempting to qualify for the food stamp program shall be eligible to participate in the program for a period of up to one year from the date of discovery of the transfer.

“ISSUANCE AND USE OF COUPONS

“Sec. 7. (a) Coupons shall be printed under such arrangements and in such denominations as may be determined by the Secretary to be necessary, and shall be issued only to households which have been duly certified as eligible to participate in the food stamp program.

“(b) Coupons issued to eligible households shall be used by them only to purchase food in retail food stores which have been approved for participation in the food stamp program at prices prevailing in such stores: *Provided*, That nothing in this Act shall be construed as authorizing the Secretary to specify the prices at which food may be sold by wholesale food concerns or retail food stores: *Provided further*, That eligible households using coupons to purchase food may receive cash in change therefor so long as the cash received does not equal or exceed the value of the lowest coupon denomination issued.

“(c) Coupons issued to eligible households shall be simple in design and shall include only such words or illustrations as are required to explain their purpose and define their denomination. The name of any public official shall not appear on such coupons.

“(d) The Secretary shall develop an appropriate procedure for determining and monitoring the level of coupon inventories in the hands of coupon issuers for the purpose of providing that such inventories are at proper levels (taking into consideration the historical and projected volume of coupon distribution by such issuers). Such procedures shall provide that coupon inventories in the hands of such issuers

42 USC 1381.

42 USC 1382c

87 Stat. 155.

Printing.

7 USC 2016.

Design.

Inventory levels,
monitorship.

Monthly operations report.	are not in excess of the reasonable needs of such issuers taking into consideration the ease with which such coupon inventories may be resupplied. The Secretary shall require each coupon issuer at intervals prescribed by the Secretary, but not less often than monthly, to send to the Secretary or the Secretary's designee, which may include the State agency, a written report of the issuer's operations during such period.
Oath, certification by issuer.	In addition to other information deemed by the Secretary to be appropriate, the Secretary shall require that the report contain an oath, or affirmation, signed by the coupon issuer, or in the case of a corporation or other entity not a natural person, by an appropriate official of the coupon issuer, certifying that the information contained in the report is true and correct to the best of such person's knowledge and belief.
Delivery and controls, procedures.	"(e) The Secretary shall prescribe appropriate procedures for the delivery of coupons to coupon issuers and for the subsequent controls to be placed over such coupons by coupon issuers in order to ensure adequate accountability.
Financial losses.	"(f) Notwithstanding any other provision of this Act, the State agency shall be responsible to the Secretary for any financial losses involved in the acceptance, storage, and issuance of coupons.

"VALUE OF ALLOTMENT

7 USC 2017.	"SEC. 8 (a) The value of the allotment which State agencies shall be authorized to issue to any households certified as eligible to participate in the food stamp program shall be equal to the cost to such households of the thrifty food plan reduced by an amount equal to 30 per centum of the household's income, as determined in accordance with section 5 of this Act, rounded to the nearest whole dollar: <i>Provided</i> , That for households of one and two persons the minimum allotment shall be \$10 per month. The Secretary shall, six months after the implementation of the elimination of the charge for allotments and annually thereafter, report to Congress the effect on participation and cost of this elimination.
Report to Congress.	"(b) The value of the allotment provided any eligible household shall not be considered income or resources for any purpose under any Federal, State, or local laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs, and no participating State or political subdivision thereof shall decrease any assistance otherwise provided an individual or individuals because of the receipt of an allotment under this Act.

"APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

Applications, submission.	"SEC. 9. (a) Regulations issued pursuant to this Act shall provide for the submission of applications for approval by retail food stores and wholesale food concerns which desire to be authorized to accept and redeem coupons under the food stamp program and for the approval of those applicants whose participation will effectuate the purposes of the food stamp program. In determining the qualifications of applicants, there shall be considered among such other factors as may be appropriate, the following: (1) the nature and extent of the food business conducted by the applicant; (2) the volume of coupon business which may reasonably be expected to be conducted by the applicant food store or wholesale food concern; and (3) the business integrity and reputation of the applicant. Approval of an applicant shall be evidenced by the issuance to such applicant of a nontransferable certificate of approval.
7 USC 2018.	
Qualifications.	
Certificate.	

“(b) No wholesale food concern may be authorized to accept and redeem coupons unless the Secretary determines that its participation is required for the effective and efficient operation of the food stamp program. In addition, no firm may be authorized to accept and redeem coupons as both a retail food store and as a wholesale food concern at the same time.

“(c) Regulations issued pursuant to this Act shall require an applicant retail food store or wholesale food concern to submit information which will permit a determination to be made as to whether such applicant qualifies, or continues to qualify, for approval under the provisions of this Act or the regulations issued pursuant to this Act. Regulations issued pursuant to this Act shall provide for safeguards which limit the use or disclosure of information obtained under the authority granted by this subsection to purposes directly connected with administration and enforcement of the provisions of this Act or the regulations issued pursuant to this Act.

Information,
submittal.

Safeguards.

“(d) Any retail food store or wholesale food concern which has failed upon application to receive approval to participate in the food stamp program may obtain a hearing on such refusal as provided in section 14 of this Act.

Hearing.

“REDEMPTION OF COUPONS

“SEC. 10. Regulations issued pursuant to this Act shall provide for the redemption of coupons accepted by retail food stores through approved wholesale food concerns or through banks, with the cooperation of the Treasury Department, except that retail food stores defined in section 3(k)(4) of this Act shall be authorized to redeem their members' food coupons prior to receipt by the members of the food so purchased and private nonprofit organizations or institutions which serve meals to narcotics addicts or alcoholics in drug addiction or alcoholic treatment and rehabilitation programs shall not be authorized to redeem coupons through banks.

7 USC 2019.

“ADMINISTRATION

“SEC. 11. (a) The State agency of each participating State shall assume responsibility for the certification of applicant households and for the issuance of coupons and the control and accountability thereof. There shall be kept such records as may be necessary to ascertain whether the program is being conducted in compliance with the provisions of this Act and the regulations issued pursuant to this Act. Such records shall be available for inspection and audit at any reasonable time and shall be preserved for such period of time, not less than three years, as may be specified in the regulations issued pursuant to this Act.

7 USC 2020.

Record
retention.

Inspection and
audit.

“(b) Certification of a household as eligible in any political subdivision shall, in the event of removal of such household to another political subdivision in which the food stamp program is operating, remain valid for participation in the food stamp program for a period of sixty days from the date of such removal.

Certification.

“(c) In the certification of applicant households for the food stamp program, there shall be no discrimination by reason of race, sex, religious creed, national origin, or political beliefs.

“(d) The State agency (as defined in section 3(n)(1) of this Act) of each State desiring to participate in the food stamp program shall submit for approval a plan of operation specifying the manner in which such program will be conducted within the State in every politi-

Plan of operation,
approval.

cal subdivision. In the case of all or part of an Indian reservation, the State agency as defined in section 3(n)(1) of this Act shall be responsible for conducting such program on such reservation unless the Secretary determines that the State agency (as defined in section 3(n)(1) of this Act) is failing, subsequent to the enactment of this Act, properly to administer such program on such reservation in accordance with the purposes of this Act and further determines that the State agency as defined in section 3(n)(2) of this Act is capable of effectively and efficiently conducting such program, in light of the distance of the reservation from State agency-operated certification and issuance centers, the previous experience of such tribal organization in the operation of programs authorized under the Indian Self-Determination Act (25 U.S.C. 450) and similar Acts of Congress, the tribal organization's management and fiscal capabilities, and the adequacy of measures taken by the tribal organization to ensure that there shall be no discrimination in the operation of the program on the basis of race, color, sex, or national origin, in which event such State agency shall be responsible for conducting such program and submitting for approval a plan of operation specifying the manner in which such program will be conducted. The Secretary, upon the request of a tribal organization, shall provide the designees of such organization with appropriate training and technical assistance to enable them to qualify as expeditiously as possible as a State agency pursuant to section 3(n)(2) of this Act. A State agency, as defined in section 3(n)(1) of this Act, before it submits its plan of operation to the Secretary for the administration of the food stamp program on all or part of an Indian reservation, shall consult in good faith with the tribal organization about that portion of the State's plan of operation pertaining to the implementation of the program for members of the tribe, and shall implement the program in a manner that is responsive to the needs of the Indians on the reservation as determined by ongoing consultation with the tribal organization.

"(e) The State plan of operation required under subsection (d) of this section shall provide, among such other provisions as may be required by regulation—

25 USC 450f
note.

Training and
assistance.

Consultation with
tribal
organization.

Notification.

Bilingual
personnel and
materials.

Application,
filing.

"(1) that the State agency shall (A) inform low-income households about the availability, eligibility requirements, and benefits of the food stamp program, including, but not limited to, notification to recipients of aid to families with dependent children, supplemental security income, and unemployment compensation, distribution of application forms, and associated instructions in filling out such forms, and on the documentation required pursuant to paragraph (3) of this subsection; (B) not conduct any other outreach activities of a noninformational nature in those areas in which a federally funded community action program is in operation and conducting food stamp outreach; and (C) use appropriate bilingual personnel and printed material in the administration of the program in those portions of political subdivisions in the State in which a substantial number of members of low-income households speak a language other than English;

"(2) that each household which contacts a food stamp office in person during office hours to make what may reasonably be interpreted as an oral or written request for food stamp assistance shall receive and shall be permitted to file, on the same day that such contact is first made, a simplified, uniform national application form for participation in the food stamp program designed by the Secretary, unless the Secretary approves a deviation from

that form by a particular State agency because of the use by that agency of a dual public assistance food stamp application form pursuant to subsection (i) of this section, the requirements of an agency's computer system, or other exigencies as determined by the Secretary. Each application form shall contain a description in understandable terms in prominent and boldface lettering of the appropriate civil and criminal provisions dealing with violations of this Act, including the penalties therefor, by members of an eligible household. The State agency shall comply with the standards established by the Secretary for points and hours of certification, and for telephone contact by, mail delivery of forms to and mail return of forms by, and subsequent home or telephone interview with, the elderly, physically or mentally handicapped, and persons otherwise unable, solely because of transportation difficulties and similar hardships, to appear in person at a certification office or through a representative pursuant to paragraph (7) of this subsection, so that such persons may have an adequate opportunity to be certified properly;

Application form.

“(3) that the State agency shall thereafter promptly determine the eligibility of each applicant household by way of verification only of income other than that determined to be excluded by section 5(d) of this Act and such other eligibility factors as the Secretary determines to be necessary to implement sections 5 and 6 of this Act, so as to complete certification of and provide an allotment retroactive to the period of application to any eligible household not later than thirty days following its filing of an application;

“(4) that the State agency shall insure that each participating household receive a notice of expiration of its certification immediately prior to or at the start of the last month of its certification period advising it that it must submit a new application in order to renew its eligibility for a new certification period and, further, that each such household which seeks to be certified another time or more times thereafter by filing an application for such recertification no later than fifteen days prior to the day upon which its existing certification period expires shall, if found to be still eligible, receive its allotment no later than one month after the receipt of the last allotment issued to it pursuant to its prior certification, but if such household is found to be ineligible or to be eligible for a smaller allotment during the new certification period it shall not continue to participate and receive benefits on the basis authorized for the preceding certification period even if it makes a timely request for a fair hearing pursuant to paragraph (10) of this subsection;

Certification
expiration,
notice.
Recertification.

“(5) the specific standards to be used in determining the eligibility of applicant households which shall be in accordance with sections 5 and 6 of this Act and shall include no additional requirements imposed by the State agency;

“(6) that (A) the State agency shall undertake the certification of applicant households in accordance with the general procedures prescribed by the Secretary in the regulations issued pursuant to this Act; (B) the State agency personnel utilized in undertaking such certification shall be employed in accordance with the current standards for a Merit System of Personnel Administration or any standards later prescribed by the United States Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 modifying or superseding such standards relating to the establishment and maintenance of personnel stand-

Certification.

42 USC 4728.

**Personnel.
training.**

ards on a merit basis; and (C) the State agency shall undertake to provide a continuing, comprehensive program of training for all personnel undertaking such certification;

“(7) that any applicant household may be represented in the certification process and that any eligible household may be represented in coupon issuance or food purchase by a person other than a member of the household so long as that person has been clearly designated as the representative of that household for that purpose by the head of the household or the spouse of the head, and, where the certification process is concerned, the representative is an adult who is sufficiently aware of relevant household circumstances;

Safeguards.

“(8) safeguards which limit the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act;

“(9) that households in immediate need because of no income as defined in sections 5 (d) and (e) of this Act receive coupons on an expedited basis;

Hearing.

“(10) for the granting of a fair hearing and a prompt determination thereafter to any household aggrieved by the action of the State agency under any provision of its plan of operation as it affects the participation of such household in the food stamp program or by a claim against the household for an overissuance: *Provided*, That any household which timely requests such a fair hearing after receiving individual notice of agency action reducing or terminating its benefits within the household's certification period shall continue to participate and receive benefits on the basis authorized immediately prior to the notice of adverse action until such time as the fair hearing is completed and an adverse decision rendered or until such time as the household's certification period terminates, whichever occurs earlier;

“(11) for the prompt restoration in the form of coupons to households of any allotment or portion thereof which has been wrongfully denied or terminated;

Reports.

“(12) for the submission of such reports and other information as from time to time may be required by the Secretary;

“(13) for compliance with standards set by the Secretary with respect to points and hours of coupon issuance;

“(14) for indicators of expected performance in the administration of the program;

Poster displays.

“(15) that the State agency shall prominently display in all food stamp and public assistance offices posters prepared or obtained by the Secretary describing the information contained in subparagraphs (A) through (D) of this paragraph and shall make available in such offices for home use pamphlets prepared or obtained by the Secretary listing (A) foods that contain substantial amounts of recommended daily allowances of vitamins, minerals, and protein for children and adults; (B) menus that combine such foods into meals; (C) details on eligibility for other programs administered by the Secretary that provide nutrition benefits; and (D) general information on the relationship between health and diet; and

Disaster victims.

“(16) that the State agency shall specify a plan of operation for providing food stamps for households that are victims of a disaster; that such plan shall include, but not be limited to, procedures for informing the public about the disaster program and how to apply for its benefits, coordination with Federal and private dis-

aster relief agencies and local government officials, application procedures to reduce hardship and inconvenience and deter fraud, and instruction of caseworkers in procedures for implementing and operating the disaster program.

“(f) To encourage the purchase of nutritious foods, the Secretary shall extend the expanded food and nutrition education program to the greatest extent possible to reach food stamp program participants. The program shall be further supplemented by the development of single concept printed materials, specifically designed for persons with low reading and comprehension levels, on how to buy and prepare more nutritious and economical meals and on the relationship between food and good health.

Food and
nutrition
program,
extension.

“(g) If the Secretary determines that in the administration of the food stamp program there is a failure by a State agency to comply with any of the provisions of this Act, the regulations issued pursuant to this Act, or the State plan of operation submitted pursuant to subsection (d) of this section, the Secretary shall immediately inform such State agency of such failure and shall allow the State agency a specified period of time for the correction of such failure. If the State agency does not correct such failure within that specified period, the Secretary may refer the matter to the Attorney General with a request that injunctive relief be sought to require compliance forthwith by the State agency and, upon suit by the Attorney General in an appropriate district court of the United States having jurisdiction of the geographic area in which the State agency is located and a showing that noncompliance has occurred, appropriate injunctive relief shall issue.

State
noncompliance,
correction.

Injunctive relief.

“(h) If the Secretary determines that there has been negligence or fraud on the part of the State agency in the certification of applicant households, the State shall, upon request of the Secretary, deposit into the Treasury of the United States, a sum equal to the face value of any coupon or coupons issued as a result of such negligence or fraud.

Deposit by States.

“(i) Notwithstanding any other provision of law, the Secretary and the Secretary of Health, Education, and Welfare shall develop a system by which (1) a single interview shall be conducted to determine eligibility for the food stamp program and the aid to families with dependent children program under part A of title IV of the Social Security Act; (2) households in which all members are recipients of supplemental security income shall be permitted to apply for participation in the food stamp program by executing a simplified affidavit at the social security office and be certified for eligibility utilizing information contained in files of the Social Security Administration; (3) households in which all members are included in a federally aided public assistance or State or local general assistance grant shall have their application for participation in the food stamp program contained in the public assistance or general assistance application form; and (4) new applicants, as well as households which have recently lost or been denied eligibility for public assistance or general assistance, shall be certified for participation in the food stamp program based on information in the public assistance or general assistance case file to the extent that reasonably verified information is available in such case file.

System,
development.

42 USC 601.

“(j) The Secretary, in conjunction with the Secretary of Health, Education, and Welfare, is authorized to prescribe regulations permitting applicants for and recipients of social security benefits to apply for food stamps at social security offices and be certified for food stamp eligibility in such offices in order that the application and certification for food stamp assistance may be accomplished as efficiently and conveniently as possible.

Joint regulations,
USDA—HEW.

“(k) Subject to the approval of the President, post offices in all or part of the State may issue, upon request by the State agency, food stamps to eligible households.

“CIVIL MONEY PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES
AND WHOLESALE FOOD CONCERNS

7 USC 2021.

“SEC. 12. Any approved retail food store or wholesale food concern may be disqualified for a specified period of time from further participation in the food stamp program, or subjected to a civil money penalty of up to \$5,000 for each violation if the Secretary determines that its disqualification would cause hardship to food stamp households, on a finding, made as specified in the regulations, that such store or concern has violated any of the provisions of this Act or the regulations issued pursuant to this Act. Such disqualification shall be for such period of time as may be determined in accordance with regulations issued pursuant to this Act. The action of disqualification or the imposition of a civil money penalty shall be subject to review as provided in section 14 of this Act.

Review.

“DETERMINATION OF DISPOSITION OF CLAIMS

7 USC 2022.

“SEC. 13. The Secretary shall have the power to determine the amount of and settle and adjust any claim and to compromise or deny all or part of any such claim or claims arising under the provisions of this Act or the regulations issued pursuant to this Act, including, but not limited to, claims arising from fraudulent and nonfraudulent overissuances to recipients. Such powers with respect to claims against recipients may be delegated by the Secretary to State agencies.

Delegation of
authority.

“ADMINISTRATIVE AND JUDICIAL REVIEW

Notice.
7 USC 2023.

“SEC. 14. Whenever an application of a retail food store or wholesale food concern to participate in the food stamp program is denied pursuant to section 9 of this Act, or a retail food store or wholesale food concern is disqualified or subjected to a civil money penalty under the provisions of section 12 of this Act, or all or part of any claim of a retail food store or wholesale food concern is denied under the provisions of section 13 of this Act, or a claim against a State agency is stated pursuant to the provisions of section 13 of this Act, notice of such administrative action shall be issued to the retail food store, wholesale food concern, or State agency involved. Such notice shall be delivered by certified mail or personal service. If such store, concern, or State agency is aggrieved by such action, it may, in accordance with regulations promulgated under this Act, within ten days of the date of delivery of such notice, file a written request for an opportunity to submit information in support of its position to such person or persons as the regulations may designate. If such a request is not made or if such store, concern, or State agency fails to submit information in support of its position after filing a request, the administrative determination shall be final. If such request is made by such store, concern, or State agency, such information as may be submitted by the store, concern, or State agency, as well as such other information as may be available, shall be reviewed by the person or persons designated by the Secretary, who shall, subject to the right of judicial review hereinafter provided, make a determination which shall be final and which shall take effect thirty days after the date of the

Request for
submission of
information,
filing.

delivery or service of such final notice of determination. If the store, concern, or State agency feels aggrieved by such final determination, it may obtain judicial review thereof by filing a complaint against the United States in the United States court for the district in which it resides or is engaged in business, or, in the case of a retail food store or wholesale food concern, in any court of record of the State having competent jurisdiction, within thirty days after the date of delivery or service of the final notice of determination upon it, requesting the court to set aside such determination. The copy of the summons and complaint required to be delivered to the official or agency whose order is being attacked shall be sent to the Secretary or such person or persons as the Secretary may designate to receive service of process. The suit in the United States district court or State court shall be a trial de novo by the court in which the court shall determine the validity of the questioned administrative action in issue. If the court determines that such administrative action is invalid, it shall enter such judgment or order as it determines is in accordance with the law and the evidence. During the pendency of such judicial review, or any appeal therefrom, the administrative action under review shall be and remain in full force and effect, unless an application to the court on not less than ten days' notice, and after hearing thereon and a showing of irreparable injury, the court temporarily stays such administrative action pending disposition of such trial or appeal.

Complaint, filing.

Stay.

"VIOLATIONS AND ENFORCEMENT"

"SEC. 15. (a) Notwithstanding any other provision of this Act, the Secretary may provide for the issuance or presentment for redemption of coupons to such person or persons, and at such times and in such manner, as the Secretary deems necessary or appropriate to protect the interests of the United States or to ensure enforcement of the provisions of this Act or the regulations issued pursuant to this Act.

Coupon
redemption.
7 USC 2024.

"(b) Whoever knowingly uses, transfers, acquires, alters, or possesses coupons or authorization cards in any manner not authorized by this Act or the regulations issued pursuant to this Act shall, if such coupons or authorization cards are of the value of \$100 or more, be guilty of a felony and shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than five years, or both, or, if such coupons or authorization cards are of a value of less than \$100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than \$1,000 or imprisoned for not more than one year, or both.

"(c) Whoever presents, or causes to be presented, coupons for payment or redemption of the value of \$100 or more, knowing the same to have been received, transferred, or used in any manner in violation of the provisions of this Act or the regulations issued pursuant to this Act shall be guilty of a felony and shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than five years, or both, or, if such coupons are of a value of less than \$100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than \$1,000 or imprisoned for not more than one year, or both.

"(d) Coupons issued pursuant to this Act shall be deemed to be obligations of the United States within the meaning of section 8 of title 18, United States Code.

"(e) Any coupon issuer or any officer, employee, or agent thereof convicted of failing to provide the report required under section 7 (d) of this Act or of violating the regulations issued under section 7 (d) and (e) of this Act shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

"(f) Any coupon issuer or any officer, employee, or agent thereof convicted of knowingly providing false information in the report required under section 7(d) of this Act shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

"ADMINISTRATIVE COST-SHARING AND QUALITY CONTROL

7 USC 2025.

"SEC. 16. (a) The Secretary is authorized to pay to each State agency an amount equal to 50 per centum of all administrative costs involved in each State agency's operation of the food stamp program, which costs shall include, but not be limited to, the cost of (1) outreach, (2) the certification of applicant households, (3) the acceptance, storage, protection, control, and accounting of coupons after their delivery to receiving points within the State, (4) the issuance of coupons to all eligible households, and (5) fair hearings: *Provided*, That the Secretary is authorized to pay each State agency an amount not less than 75 per centum of the costs of State food stamp program investigations and prosecutions, and is further authorized at the Secretary's discretion to pay any State agency administering the food stamp program on all or part of an Indian reservation under section 11(d) of this Act such amounts for administrative costs as the Secretary determines to be necessary for effective operation of the food stamp program.

Administration,
standards.
Reports.

"(b) The Secretary shall (1) establish standards for the efficient and effective administration of the food stamp program by the States, including, but not limited to, staffing standards such as caseload per certification worker limitations, and (2) instruct each State to submit, at regular intervals, reports which shall specify the specific administrative actions proposed to be taken and implemented in order to meet the efficiency and effectiveness standards established pursuant to clause (1) of this subsection. If the Secretary finds that a State has failed without good cause to meet any of the Secretary's standards, or has failed to carry out the approved State plan of operation under section 11(d) of this Act, the Secretary shall withhold from the State such funds authorized under subsections (a) and (c) of this section as the Secretary determines to be appropriate.

Funds,
withholding.

Federal share,
adjustment.
Effective date.

"(c) Effective October 1, 1978, the Secretary is authorized to adjust a State agency's federally funded share of administrative costs pursuant to subsection (a) of this section, other than the costs already shared in excess of 50 per centum as described in the exception clause of subsection (a) of this section, by increasing such share to 60 per centum of all such administrative costs in the case of a State agency whose cumulative allotment error rates with respect to eligibility, over-issuance, and underissuance as calculated in the quality control program undertaken pursuant to subsection (d) (1) of this section is less than five per centum.

Annual quality
control plan,
submittal to
Secretary.
Effective date.

"(d) Effective October 1, 1978, and annually thereafter, each State not receiving an increased share of administrative costs pursuant to subsection (c) of this section shall be required to develop and submit to the Secretary for approval, as part of the plan of operation required to be submitted under section 11(d) of this Act, a quality control plan for the State which shall specify the actions such State proposes to take in order to reduce—

"(1) the incidence of error rates in and the value of—

"(A) food stamp allotments for households which fail to meet basic program eligibility requirements;

“(B) food stamp allotments overissued to eligible households; and

“(C) food stamp allotments underissued to eligible households; and

“(2) the incidence of invalid decisions in certifying or denying eligibility.

“(e) As used in this section ‘quality control’ means monitoring and reducing the rate of errors in determining basic eligibility and benefit levels.

“Quality control.”

“RESEARCH, DEMONSTRATION, AND EVALUATIONS

“SEC. 17. (a) The Secretary may, by way of making contracts with or grants to public or private organizations or agencies, undertake research that will help improve the administration and effectiveness of the food stamp program in delivering nutrition-related benefits.

Contracts or grants.
7 USC 2026.

“(b) (1) The Secretary is authorized to conduct on a trial basis, in one or more areas of the United States, pilot or experimental projects designed to test program changes that might increase the efficiency of the food stamp program and improve the delivery of food stamp benefits to eligible households, including projects involving the payment of the value of allotments in the form of cash to eligible households all of whose members are either age sixty-five or over or entitled to supplemental security income benefits under title XVI of the Social Security Act, the use of countersigned food coupons or similar identification mechanisms that do not invade a household’s privacy, and the use of food checks or other voucher-type forms in place of food coupons. The Secretary may waive the requirements of this Act to the degree necessary for such projects to be conducted, except that no project shall be implemented which would lower or further restrict the income or resource standards or benefit levels provided pursuant to sections 5 and 8 of this Act.

Pilot projects.

42 USC 1381.

Waiver.

“(2) The Secretary shall, jointly with the Secretary of Labor, implement two pilot projects involving the performance of work in return for food stamp benefits in each of the seven administrative regions of the Food and Nutrition Service of the Department of Agriculture, such projects to be (A) appropriately divided in each region between locations that are urban and rural in characteristics and among locations selected to provide a representative cross-section of political subdivisions in the States and (B) submitted for approval prior to project implementation, together with the names of the agencies or organizations that will be engaged in such projects, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. Under such pilot projects, any person who is subject to the work registration requirements pursuant to section 6(d) of this Act, and is a member of a household that does not have earned income equal to or exceeding the allotment to which the household is otherwise entitled pursuant to section 8(a) of this Act, shall be ineligible to participate in the food stamp program as a member of any household during any month in which such person refuses, after not being offered employment in the private sector of the economy for more than thirty days after the initial registration for employment referred to in section 6(d)(1)(i) of this Act, to accept an offer of employment from a political subdivision or a prime sponsor pursuant to the Comprehensive Employment and Training Act of 1973, as amended (29 U.S.C. 812), for which employment compensation shall be paid in the form of the allotment to which

Pilot projects.

Submittal for approval to congressional committees.

Eligibility.

- the household is otherwise entitled pursuant to section 8(a) of this Act, with each hour of employment entitling the household to a portion of the allotment equal in value to 100 per centum of the Federal minimum hourly rate under the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(a)(1)); which employment shall not, together with any other hours worked in any other capacity by such person exceed forty hours a week; and which employment shall not be used by the employer to fill a job opening created by the action of such employer in laying off or terminating the employment of any regular employee not supported under this paragraph in anticipation of filling the vacancy so created by hiring an employee or employees to be supported under this paragraph: *Provided*, That all of the political subdivision's or prime sponsor's public service jobs supported under the Comprehensive Employment and Training Act of 1973, as amended (29 U.S.C. 812), are filled before such subdivision or sponsor can extend a job offer pursuant to this paragraph: *Provided further*, That the sponsor of each such project shall provide the assurances required of prime sponsors under section 205(c) (7), (8), (15), (19), and (24) of the Comprehensive Employment and Training Act of 1973, as amended (29 U.S.C. 845(c)), and the Secretary shall require such sponsors to comply with the conditions contained in sections 208(a) (1), (4), and (5) and (c) and 703(4) of the Comprehensive Employment and Training Act of 1973, as amended (29 U.S.C. 848 (a) and (c) and 983). The Secretary and the Secretary of Labor shall jointly issue reports to the appropriate committees of Congress on the progress of such pilot projects no later than six and twelve months following enactment of this Act, and shall issue a final report describing the results of such pilot projects no later than eighteen months following enactment of this Act.
- “ (c) The Secretary shall develop and implement measures for evaluating, on an annual or more frequent basis, the effectiveness of the food stamp program in achieving its stated objectives, including, but not limited to, the program's impact upon the nutritional and economic status of participating households, the program's impact upon all sectors of the agricultural economy, including farmers and ranchers, as well as retail food stores, and the program's relative fairness to households of different income levels, different age composition, different size, and different regions of residence.
- “ (d) Notwithstanding any other provision of law, the Secretary shall, in consultation with the Secretary of the Treasury, conduct a study, through the use of Federal income tax data, of the feasibility, alternative methods of implementation, and the effects of a program to recover food stamp benefits from members of eligible households in which the adjusted gross income of members of such households for a calendar year (as defined by the Internal Revenue Code of 1954) may exceed twice the income poverty guidelines set forth in section 5(c) of this Act. Such study shall be conducted in rural and urban areas only on a voluntary basis by food stamp recipients. The Secretary shall, no later than twelve months and eighteen months from the date of enactment of this Act, report the results of the study to the Committees on Agriculture and Ways and Means of the House of Representatives and to the Committees on Agriculture, Nutrition, and Forestry and Finance of the Senate, together with such recommendations as the Secretary deems appropriate.
- 29 USC 801 note.
- Joint reports, issuance to congressional committees.
- Evaluation measures.
- Study.
- 26 USC 1 et seq.
- Report to congressional committees. Recommendations.

“AUTHORIZATION FOR APPROPRIATIONS

“SEC. 18. (a) To carry out the provisions of this Act, there are hereby authorized to be appropriated not in excess of \$5,847,600,000 for the fiscal year ending September 30, 1978; not in excess of \$6,158,900,000 for the fiscal year ending September 30, 1979; not in excess of \$6,188,600,000 for the fiscal year ending September 30, 1980; and not in excess of \$6,235,900,000 for the fiscal year ending September 30, 1981. Not to exceed one-fourth of 1 per centum of the previous year's appropriation is authorized in each such fiscal year to carry out the provisions of section 17 of this Act. Sums appropriated under the provisions of this Act shall, notwithstanding the provisions of any other law, continue to remain available until expended. 7 USC 2027.

“(b) In any fiscal year, the Secretary shall limit the value of those allotments issued to an amount not in excess of the appropriation for such fiscal year. If in any fiscal year the Secretary finds that the requirements of participating States will exceed the limitation set herein, the Secretary shall direct State agencies to reduce the value of such allotments to be issued to households certified as eligible to participate in the food stamp program to the extent necessary to comply with the provisions of this subsection.” Allotment value, limitation.

CONFORMING AMENDMENTS

SEC. 1302. (a) (1) Section 3(b) and section 4(c) of Public Law 93-86 are repealed. Repeal.
7 USC 2012,

(2) The last sentence of section 416 of the Act of October 31, 1949 (as added by section 411(g) of Public Law 92-603), is repealed. 612c note.

(3) Section 8(c) of Public Law 93-233 is amended by striking out “the last sentence of section 3(e) of the Food Stamp Act of 1964 (as amended by subsection (a) of this section)” and inserting in lieu thereof “section 6(g) of the Food Stamp Act of 1977”. Repeal.
7 USC 1431.
42 USC 1382e note.

(4) Section 8(f) of Public Law 93-233 is amended by striking out everything through “during such period,” and inserting in lieu thereof “The amendment made by subsection (e) shall not”.

(b) The amendments made by this section shall be effective October 1, 1977. Effective date.
7 USC 2012 note.

IMPLEMENTATION OF THE FOOD STAMP ACT OF 1977

SEC. 1303. (a) The Secretary of Agriculture shall implement the Food Stamp Act of 1977 as expeditiously as possible consistent with the efficient and effective administration of the food stamp program. The provisions of the Food Stamp Act of 1964, as amended, which are relevant to current regulations of the Secretary governing the food stamp program, shall remain in effect until such regulations are revoked, superseded, amended, or modified by regulations issued pursuant to the Food Stamp Act of 1977. Coupons issued pursuant to the Food Stamp Act of 1964, as amended, and in general use as of the effective date of the Food Stamp Act of 1977, shall continue to be usable to purchase food, and all other liabilities of the Secretary, States, and applicant or participating households, under the Food Stamp Act of 1964, as amended, shall continue in force until finally resolved or terminated by administrative or judicial action, or otherwise. Continuity.
7 USC 2011 note.

(b) Pending proceedings under the Food Stamp Act of 1964, as amended, shall not be abated by reason of any provision of the Food

Stamp Act of 1977, but shall be disposed of pursuant to the applicable provisions of the Food Stamp Act of 1964, as amended, in effect prior to the effective date of the Food Stamp Act of 1977.

(c) Appropriations made available to carry out the Food Stamp Act of 1964, as amended, shall be available to carry out the provisions of the Food Stamp Act of 1977.

Quarterly report,
submittal to
congressional
committees.

(d) The Secretary shall, within six months of enactment of this Act, submit a quarterly report to the Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Agriculture, setting forth the previous quarter's expenditure, by State, for the food stamp program. Such report shall also include the number of individuals participating in the program and the cost of administering the program at each State level and at the national level.

COMMODITY DISTRIBUTION PROGRAMS

Effective date.
7 USC 612c note.

SEC. 1304. (a) Effective October 1, 1977, sections 4(a) and 4(b) of the Agriculture and Consumer Protection Act of 1973, as amended, are amended to read as follows:

"SEC. 4. (a) Notwithstanding any other provision of law, the Secretary may, during fiscal years 1978, 1979, 1980, and 1981, purchase and distribute sufficient agricultural commodities with funds appropriated from the general fund of the Treasury to maintain the traditional level of assistance for food assistance programs as are authorized by law, including but not limited to distribution to institutions, supplemental feeding programs wherever located, disaster areas, summer camps for children, the United States Trust Territory of the Pacific Islands, and Indians, whenever a tribal organization requests distribution of federally donated foods pursuant to section 4(b) of the Food Stamp Act of 1977. In providing for commodity distribution to Indians, the Secretary shall improve the variety and quantity of commodities supplied to Indians in order to provide them an opportunity to obtain a more nutritious diet.

"(b) The Secretary may furnish commodities to summer camps for children in which the number of adults participating in camp activities as compared with the number of children under 18 years of age so participating is not unreasonable in light of the nature of such camp and the characteristics of the children in attendance."

Effective date.

(b) Effective October 1, 1977, the Agriculture and Consumer Protection Act of 1973, as amended, is amended by—

7 USC 1307 note.

- (1) redesignating section 5 as section 6; and
- (2) inserting after section 4 a new section 5 as follows:

"COMMODITY SUPPLEMENTAL FOOD PROGRAM

Payment to State
or local agencies.
7 USC 612c note.

"SEC. 5. (a) In carrying out the supplemental feeding program (hereinafter referred to as the 'commodity supplemental food program') to which reference is made in section 4 of this Act, the Secretary of Agriculture shall pay to each State or local agency administering any such program, for each of the fiscal years 1978 through 1981, an amount equal to its administrative costs not in excess of an amount equal to 15 per centum of the total amount of the value of commodities made available to the State or local agency for such program in such fiscal year.

"(b) During the first three months of any commodity supplemental food program, or until such program reaches its projected caseload level, whichever comes first, the Secretary shall pay those administrative costs necessary to commence the program successfully: *Pro-*

vided, That in no event shall administrative costs paid by the Secretary for any fiscal year exceed the limitation established in subsection (a) of this section.

“(c) Administrative costs for the purposes of the commodity supplemental food program shall include, but not be limited to, expenses for information and referral, operation, monitoring, nutrition education, start-up costs, and general administration, including staff, warehouse and transportation personnel, insurance, and administration of the State or local office.

“(d) During each fiscal year the commodity supplemental food program is in operation, the types and varieties of commodities and their proportional amounts shall be determined by the Secretary, but, if the Secretary proposes to make any significant changes in the types, varieties, or proportional amounts from those that were available or were planned at the beginning of the fiscal year (or as were available during the fiscal year ending June 30, 1976, whichever is greater) the Secretary shall report such changes before implementation to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

“(e) The Secretary of Agriculture is authorized to issue such regulations as may be necessary to carry out the commodity supplemental food program.”.

Report to congressional committees.

Regulations.

TITLE XIV—NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977

SHORT TITLE

SEC. 1401. This title may be cited as the “National Agricultural Research, Extension, and Teaching Policy Act of 1977”.

National Agricultural Research, Extension, and Teaching Policy Act of 1977.
7 USC 3101 note

Subtitle A—Findings, Purposes, and Definitions

FINDINGS

SEC. 1402. Congress finds that—

7 USC 3101.

(1) the Federal Government of the United States has provided funding support for agricultural research and extension for many years in order to promote and protect the general health and welfare of the people of the United States, and this support has significantly contributed to the development of the Nation's agricultural system;

(2) the agencies conducting such federally supported research were established at different times in response to different and specific needs and their work is not fully coordinated;

(3) these agencies have only been partially successful in responding to the needs of all persons affected by their research, and useful information produced through such federally supported research is not being efficiently transferred to the people of the United States;

(4) expanded agricultural research and extension are needed to meet the rising demand for food and fiber caused by increases in worldwide population and food shortages due to short-term, localized, and adverse climatic conditions;

(5) increased research is necessary to alleviate inadequacies of the marketing system (including storage, transportation, and distribution of agricultural and forest products) which have impaired United States agricultural production and utilization;

(6) advances in food and agricultural sciences and technology have become increasingly limited by the concentration upon the thorough development and exploitation of currently known scientific principles and technological approaches at the expense of more fundamental research, and a strong research effort in the basic sciences is necessary to achieve breakthroughs in knowledge that can support new and innovative food and agricultural technologies;

(7) Federal funding levels for agricultural research and extension in recent years have not been commensurate with needs stemming from changes in United States agricultural practices and the world food and agricultural situation;

(8) new Federal initiatives are needed in the areas of—

(A) research to find alternatives to technologies based on fossil fuels;

(B) research and extension on human nutrition and food consumption patterns in order to improve the health and vitality of the people of the United States;

(C) research to find solutions to environmental problems caused by technological changes in food and agricultural production;

(D) aquacultural research and extension;

(E) research and extension directed toward improving the management and use of the Nation's natural and renewable resources, in order to meet the increased demand for forest products, conserve water resources (through irrigation management, tail water reuse, desalination, crop conversion, and other water conservation techniques), conserve soil resources, and properly manage rangelands;

(F) improving and expanding the research and extension programs in home economics;

(G) extension programs in energy conservation;

(H) extension programs in forestry and natural resources, with special emphasis to be given to improving the productivity of small private woodlands, modernizing wood harvesting and utilization, developing and disseminating reliable multiple-use resource management information to all landowners and consumers, and the general public, wildlife, watershed, and recreational management, and cultural practices (including reforestation, protection, and related matters);

(I) research on climate, drought, and weather modification as factors in food and agricultural production;

(J) more intensive agricultural research and extension programs oriented to the needs of small farmers and their families and the family farm system, which is a vital component of the agricultural production capacity of this country;

(K) research to expand export markets for agricultural commodities;

(L) development and implementation, through research, of more efficient, less wasteful, and environmentally sound methods of producing, processing, marketing, and utilizing food, fiber, waste products, other nonfood agricultural products, and forest and rangeland products;

(M) expanded programs of animal disease and health care research and extension;

(N) research to develop new crops, in order to expand our use of varied soils and increase the choice of nutritional and economically viable crops available for cultivation; and

(O) investigation and analysis of the practicability, desirability, and feasibility of using organic waste materials to improve soil tilth and fertility, and extension programs to disseminate practical information resulting from such investigations and analyses; and

(9) the existing agricultural research system consisting of the Federal Government, the land-grant colleges and universities, other colleges and universities engaged in agricultural research, the agricultural experiment stations, and the private sector constitute an essential national resource which must serve as the foundation for any further strengthening of agricultural research in the United States.

PURPOSES

SEC. 1403. The purposes of this title are to—

7 USC 3102.

(1) establish firmly the Department of Agriculture as the lead agency in the Federal Government for the food and agricultural sciences, and to emphasize that agricultural research, extension, and teaching are distinct missions of the Department of Agriculture;

(2) undertake the special measures set forth in this title to improve the coordination and planning of agricultural research, identify needs and establish priorities for such research, assure that high priority research is given adequate funding, assure that national agricultural research, extension, and teaching objectives are fully achieved, and assure that the results of agricultural research are effectively communicated and demonstrated to farmers, processors, handlers, consumers, and all other users who can benefit therefrom;

(3) increase cooperation and coordination in the performance of agricultural research by Federal departments and agencies, the States, State agricultural experiment stations, colleges and universities, and user groups;

(4) enable the Federal Government, the States, colleges and universities, and others to implement needed agricultural research, extension, and teaching programs, including the initiatives specified in section 1402(8) of this title, through the establishment of new programs and the improvement of existing programs, as provided for in this title;

(5) establish a new program of grants for high-priority agricultural research to be awarded on the basis of competition among scientific research workers and all colleges and universities;

(6) establish a new program of grants for facilities and instrumentation used in agricultural research; and

(7) establish a new program of education grants and fellowships to strengthen training and research programs in the food and agricultural sciences, to be awarded on the basis of competition.

DEFINITIONS

SEC. 1404. When used in this title—

7 USC 3103.

(1) the term "Advisory Board" means the National Agricultural Research and Extension Users Advisory Board;

(2) the term "agricultural research" means research in the food and agricultural sciences;

(3) the term “aquaculture” means the propagation and rearing of aquacultural species, including, but not limited to, any species of finfish, mollusk, or crustacean (or other aquatic invertebrate), amphibian, reptile, or aquatic plant, in controlled or selected environments;

(4) the terms “college” and “university” mean an educational institution in any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) is legally authorized within such State to provide a program of education beyond secondary education, (C) provides an educational program for which a bachelor’s degree or any other higher degree is awarded, (D) is a public or other nonprofit institution, and (E) is accredited by a nationally recognized accrediting agency or association;

(5) the term “cooperative extension services” means the organizations established at the land-grant colleges and universities under the Smith-Lever Act of May 8, 1914 (38 Stat. 372-374, as amended; 7 U.S.C. 341-349), and section 209(b) of the Act of October 26, 1974 (88 Stat. 1428, as amended; D.C. Code, sec. 31-1719(b));

(6) the term “Department of Agriculture” means the United States Department of Agriculture;

(7) the term “extension” means the informal education programs conducted in the States in cooperation with the Department of Agriculture;

(8) the term “food and agricultural sciences” means sciences relating to food and agriculture in the broadest sense, including the social, economic, and political considerations of—

(A) agriculture, including soil and water conservation and use, the use of organic waste materials to improve soil tilth and fertility, plant and animal production and protection, and plant and animal health;

(B) the processing, distributing, marketing, and utilization of food and agricultural products;

(C) forestry, including range management, production of forest and range products, multiple use of forest and range lands, and urban forestry;

(D) aquaculture;

(E) home economics, human nutrition, and family life; and

(F) rural and community development;

(9) the term “Joint Council” means the Joint Council on Food and Agricultural Sciences;

(10) the term “land-grant colleges and universities” means those institutions eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503-505, as amended; 7 U.S.C. 301-305, 307 and 308), or the Act of August 30, 1890 (26 Stat. 417-419, as amended; 7 U.S.C. 321-326 and 328), including the Tuskegee Institute;

(11) the term “Secretary” means the Secretary of Agriculture of the United States;

(12) except as provided in subtitle H of this title, the term “State” means any one of the fifty States, Puerto Rico, Guam, the District of Columbia, and the Virgin Islands of the United States;

(13) the term “State agricultural experiment stations” means those institutions eligible to receive funds under the Act of March 2, 1887 (24 Stat. 440-442, as amended; 7 U.S.C. 361a-361i); and

(14) the term “teaching” means the formal classroom and laboratory instruction and training in the food and agricultural sciences conducted at colleges and universities and leading to baccalaureate and other recognized degrees.

Subtitle B—Coordination and Planning of Agricultural Research,
Extension, and Teaching

RESPONSIBILITIES OF THE SECRETARY AND DEPARTMENT OF AGRICULTURE

SEC. 1405. The Department of Agriculture is designated as the lead agency of the Federal Government for agricultural research (except with respect to the biomedical aspects of human nutrition concerned with diagnosis or treatment of disease), extension, and teaching in the food and agricultural sciences, and the Secretary, in carrying out the Secretary's responsibilities, shall— 7 USC 3121.

(1) establish jointly with the Secretary of Health, Education, and Welfare procedures for coordination with respect to nutrition research in areas of mutual interest;

(2) keep informed of developments in, and the Nation's need for, research, extension, teaching, and manpower development in the food and agricultural sciences and represent such need in deliberations within the Department of Agriculture, elsewhere within the executive branch of the United States Government, and with the several States and their designated land-grant colleges and universities, other colleges and universities, agricultural and related industries, and other interested institutions and groups;

(3) coordinate all agricultural research, extension, and teaching activity conducted or financed by the Department of Agriculture and, to the maximum extent practicable, by other agencies of the executive branch of the United States Government;

(4) take the initiative in establishing coordination of State-Federal cooperative agricultural research, extension, and teaching programs, funded in whole or in part by the Department of Agriculture in each State, through the administrative heads of land-grant colleges and universities and the State directors of agricultural experiment stations and cooperative extension services, and other appropriate program administrators;

State-Federal
agricultural
programs,
coordination.

(5) consult the Joint Council, Advisory Board, and other appropriate advisory committees of the Department of Agriculture in the formulation of basic policies, goals, strategies, and priorities for programs of agricultural research, extension, and teaching;

(6) report (as a part of the Department of Agriculture's annual budget submissions) to the House Committee on Agriculture, the House Committee on Appropriations, the Senate Committee on Agriculture, Nutrition, and Forestry, and the Senate Committee on Appropriations actions taken to support the recommendations of the Advisory Board;

Report to
congressional
committees.

(7) establish appropriate review procedures to assure that agricultural research projects are timely and properly reported and published and that there is no unnecessary duplication of effort or overlapping between agricultural research units;

Research projects
review
procedures.

(8) establish Federal or cooperative multidisciplinary research teams on major agricultural research problems with clearly defined leadership, budget responsibility, and research programs; and

Multidisciplinary
research teams,
establishment.

(9) in order to promote the coordination of agricultural research of the Department of Agriculture, conduct a continuing inventory of ongoing and completed research projects being conducted within or funded by the Department.

FEDERAL SUBCOMMITTEE ON FOOD AND RENEWABLE RESOURCES

SEC. 1406. Section 401(h) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (90 Stat. 471; 42 U.S.C. 6651(h)) is amended by adding at the end thereof the following: "Among such standing subcommittees and panels of the Council shall be the Subcommittee on Food and Renewable Resources. This subcommittee shall review Federal research and development programs relevant to domestic and world food and fiber production and distribution, promote planning and coordination of this research in the Federal Government, and recommend policies and other measures concerning the food and agricultural sciences for the consideration of the Council. The subcommittee shall include, but not be limited to, representatives of each of the following departments or agencies; the Department of Agriculture, the Department of State, the Department of Defense, the Department of the Interior, the Department of Health, Education, and Welfare, the National Oceanic and Atmospheric Administration, the Energy Research and Development Administration, the National Science Foundation, the Environmental Protection Agency, and the Tennessee Valley Authority. The principal representatives of the Department of Agriculture shall serve as the chairman of the subcommittee."

JOINT COUNCIL ON FOOD AND AGRICULTURAL SCIENCES

Establishment.
7 USC 3122.

SEC. 1407. (a) The Secretary shall establish within the Department of Agriculture a committee to be known as the Joint Council on Food and Agricultural Sciences which shall have a term of five years.

Membership.

(b) The Joint Council shall be composed of representatives from the Department of Agriculture and those of its agencies with significant research and extension responsibilities, the Office of Science and Technology Policy, the land-grant colleges and universities, State agricultural experiment stations, State cooperative extension services, and those colleges and universities, other public and private institutions, producers, and representatives of the public who are interested in and have a potential to contribute, as determined by the Secretary, to the formulation of national policy in the food and agricultural sciences. The Joint Council shall be jointly chaired by the Assistant Secretary of Agriculture responsible for research, extension, and teaching, and a person to be elected from among the non-Federal membership of the Joint Council.

(c) The Joint Council shall meet at least once during each three-month period. At least one meeting each year shall be a combined meeting with the Advisory Board.

Responsibilities.

(d) (1) The primary responsibility of the Joint Council shall be to foster coordination of the agricultural research, extension, and teaching activities of the Federal Government, the States, colleges and universities, and other public and private institutions and persons involved in the food and agricultural sciences.

(2) The Joint Council's responsibilities shall also be to—

(A) provide a forum for the interchange of information among the organizations represented by the members of the Joint Council that will assure improved awareness among these organizations concerning the agricultural research, extension, and teaching programs, results, and directions of each organization;

(B) analyze and evaluate the economic, environmental, and social impacts of agricultural research, extension, and teaching programs conducted in the United States and determine high priority agricultural research areas, and submit annual reports identifying such high priority research areas to the Secretary;

(C) develop and review the effectiveness of a system, for use by the Secretary, of compiling, maintaining, and disseminating information about each federally supported agricultural research or extension project and, to the maximum extent possible, information about private agricultural research and extension projects conducted by colleges and universities, foundations, contract research groups, businesses, and others. Information about private agricultural research and extension projects shall not be included in this system unless they are partially or entirely funded by the Federal Government or the organizations sponsoring the projects agree to the inclusion of information about such projects;

(D) assist the parties in developing, reviewing, and evaluating memoranda of understanding or other documents that detail the terms and conditions between the Secretary and the participants in agricultural research, extension, and teaching programs under this Act and other Acts;

(E) assist the Secretary in carrying out the responsibilities assigned to the Secretary under this title through planning and coordination efforts in the food and agricultural sciences that utilize an effective system of regional and national planning, and by the development of recommendations and reports describing current and long-range needs, priorities, and goals in the food and agricultural sciences and means to achieve these goals;

(F) develop, and review the effectiveness of, guidelines for use by the Secretary in making competitive grants under section 2(b) of the Act of August 4, 1965 (79 Stat. 431; 7 U.S.C. 450i), as amended by section 1414 of this title; and

(G) prepare and submit to the Secretary, not later than December 31 of each year, a statement of recommendations which shall include—

(i) the Joint Council's recommendations as to unified national, regional, or interstate agricultural research, extension, or teaching programs to be implemented during the following fiscal year, delineating suggested areas of responsibility for Federal and State agencies in carrying out such programs, and the overall planning, evaluation, coordination, and support necessary for such programs, and

(ii) a summary of agricultural research, extension, and teaching achievements made during, and the status of ongoing projects as of the end of, the prior fiscal year, with respect to the programs conducted by the organizations represented by the members of the Joint Council.

Minority views, if timely submitted, shall be included in the submission. The Secretary shall submit copies of the statement to the Subcommittee on Food and Renewable Resources of the Federal Coordinating Council for Science, Engineering, and Technology, and the Advisory Board.

Grants,
development and
review of
guidelines.

Report to
Secretary of
Agriculture.

NATIONAL AGRICULTURAL RESEARCH AND EXTENSION USERS ADVISORY
BOARD

Establishment.
7 USC 3123.

SEC. 1408. (a) The Secretary shall establish within the Department of Agriculture a board to be known as the National Agricultural Research and Extension Users Advisory Board which shall have a term of five years.

Membership.

(b) The Advisory Board shall be composed of the following twenty-one members to be appointed by the Secretary—

- (1) four members representing producers of agricultural commodities, forest products, and aquacultural products,
- (2) four members representing consumer interests,
- (3) two members representing farm suppliers and food and fiber processors,
- (4) two members representing food marketing interests,
- (5) two members representing environmental interests,
- (6) one member engaged in rural development work,
- (7) two members engaged in human nutrition work,
- (8) one member representing animal health interests,
- (9) one member engaged in transportation of food and agricultural products to domestic or foreign markets,
- (10) one member representing labor organizations primarily concerned with the production, processing, distribution, or transportation of food and agricultural products, and
- (11) one member representing private sector organizations involved in development programs and issues in developing countries.

Chairman; vice-chairman.

(c) The Advisory Board shall select a chairman and vice-chairman from its membership, at its first meeting each year, who shall serve in those positions for a term of one year.

(d) The Advisory Board shall meet at least once during each four-month period. At least one meeting each year shall be a combined meeting with the Joint Council.

Panels.

(e) The Advisory Board is authorized to establish such panels as it deems appropriate to develop information, reports, advice, and recommendations for the use of the Advisory Board in meeting its responsibilities. Members of such panels may include members of the Advisory Board, Advisory Board staff members, individuals from the Department of Agriculture and other departments and agencies of the Federal Government, and individuals from the private sector who have expertise in the subject to be examined by the panel.

Responsibilities.

(f) (1) The Advisory Board shall have general responsibility for preparing independent advisory opinions on the food and agricultural sciences.

(2) The Advisory Board shall have the specific responsibilities for—

(A) reviewing the policies, plans, and goals of programs within the Department of Agriculture involving the food and agricultural sciences, and related programs in other Federal and State departments and agencies and in the colleges and universities developed by the Secretary under this title;

(B) reviewing and assessing the extent of agricultural research and extension being conducted by private foundations and businesses, and the relationships of such research and extension to federally supported agricultural research and extension;

(C) reviewing and providing consultation to the Secretary on national policies, priorities, and strategies for agricultural research and extension for both the short and long term;

(D) assessing the overall adequacy of, and making recommendations to the Secretary with regard to, the distribution of resources and the allocation of funds authorized by this title;

(E) preparing and submitting to the Secretary, not later than October 31 of each year, a statement of recommendations as to allocations of responsibilities and levels of funding among federally supported agricultural research and extension programs, which shall include a review and an assessment of the allocation of funds for agricultural research and extension made for the preceding fiscal year by the organizations represented on the Joint Council. Minority views, if timely submitted, shall be included in the submission. The Secretary shall submit copies of the statement to the Subcommittee on Food and Renewable Resources of the Federal Coordinating Council for Science, Engineering, and Technology, and the Joint Council; and

Report to
Secretary of
Agriculture.

(F) not later than March 1 of each year submitting a report on its appraisal of the President's proposed budget for the food and agricultural sciences for the fiscal year beginning in such year and the recommendations of the Secretary contained in the annual report submitted by the Secretary pursuant to the provisions of section 1410 of this title. Such report shall be submitted to the President, the House Committee on Agriculture, the House Committee on Appropriations, the Senate Committee on Agriculture, Nutrition, and Forestry, and the Senate Committee on Appropriations. The report may include the separate views of members of the Advisory Board. The first report shall be due not later than March 1, 1979.

Report to
President and
congressional
committees.

EXISTING RESEARCH PROGRAMS

SEC. 1409. It is the intent of Congress in enacting this title to augment, coordinate, and supplement the planning, initiation, and conduct of agricultural research programs existing prior to the enactment of this title, except that it is not the intent of Congress in enacting this title to limit the authority of the Secretary of Health, Education, and Welfare under any Act which the Secretary of Health, Education, and Welfare administers.

7 USC 3124.

SECRETARY'S REPORT

SEC. 1410. The Secretary shall submit to the President and Congress by February 1 of each year a report on the Nation's agricultural research, extension, and teaching activities, and such report shall include—

Report to
President and
Congress.
7 USC 3125.

(1) a review covering the following three categories of activities of the Department of Agriculture with respect to agricultural research, extension, and teaching activities and the relationship of these activities to similar activities of other departments and agencies of the Federal Government, the States, colleges and universities, and the private sector—

(A) a current inventory of such activities organized by statutory authorization and budget outlay;

(B) a current inventory of such activities organized by field of basic and applied science; and

(C) a current inventory of such activities organized by commodity and product category;

(2) the statements of recommendations of the Joint Council developed pursuant to the provisions of section 1407(d) (2) (G) of this title and the statement of recommendations of the Advisory Board developed pursuant to the provisions of section 1408(f) (2) (E) of this title; and

(3) in the second and succeeding years, a five-year projection of national priorities with respect to agricultural research, extension, and teaching, taking into account both domestic and international needs.

LIBRARIES AND INFORMATION NETWORK

7 USC 3126.

SEC. 1411. (a) It is hereby declared to be the policy of Congress that—

(1) cooperation and coordination among, and the more effective utilization of, disparate agricultural libraries and information units be facilitated;

(2) information and library needs related to agricultural research and education be effectively planned for, coordinated, and evaluated;

(3) a structure for the coordination of the agricultural libraries of colleges and universities, Department of Agriculture libraries, and their closely allied information gathering and disseminating units be established in close conjunction with private industry and other research libraries;

(4) effective access by all colleges and universities and Department of Agriculture personnel to literature and information regarding the food and agricultural sciences be provided; and

(5) programs for training in information utilization with respect to the food and agricultural sciences, including research grants for librarians, information scientists, and agricultural scientists be established or strengthened.

Food and
Nutrition
Information and
Education
Resources
Center.
Establishment.

(b) There is hereby established within the National Agricultural Library of the Department of Agriculture a Food and Nutrition Information and Education Resources Center. Such Center shall be responsible for—

(1) assembling and collecting food and nutrition education materials, including the results of nutrition research, training methods, procedures, and other materials related to the purpose of this title;

(2) maintaining such information and materials in a library; and

(3) providing for the dissemination of such information and materials on a regular basis to State educational agencies and other interested persons.

Appropriation
authorization.
Contract
authority.

(c) Funds are hereby authorized to be appropriated annually in such amounts as Congress may determine necessary to support the purposes of this section. The Secretary is authorized to carry out this section with existing facilities through the use of grants, contracts, or such other means as the Secretary deems appropriate and to require matching of funds. No funds appropriated to support the purposes of this section shall be used to purchase additional equipment unless specifically authorized by law subsequent to the date of enactment of this title.

SUPPORT FOR THE JOINT COUNCIL AND ADVISORY BOARD

SEC. 1412. (a) To assist the Joint Council and Advisory Board in the performance of their duties, the Secretary is authorized to appoint—

7 USC 3127.

(1) not to exceed five full-time professional staff employees qualified in the food and agricultural sciences, and

(2) an executive director for such staff who shall perform such duties as the chairmen of the Joint Council and the chairman of the Advisory Board may direct, and who shall receive compensation at a rate not in excess of the rate for GS-18 in the General Schedule set out in section 5332 of title 5 of the United States Code.

(b) The Secretary shall provide such additional clerical assistance and staff personnel as may be required to assist the Joint Council and Advisory Board in carrying out their duties.

(c) In formulating their recommendations to the Secretary, the Joint Council and Advisory Board may obtain the assistance of Department of Agriculture employees, and, to the maximum extent practicable, the assistance of employees of other Federal departments and agencies conducting related programs of agricultural research, extension, and teaching and of appropriate representatives of colleges and universities, including State agricultural experiment stations, cooperative extension services, and other non-Federal organizations conducting significant programs in the food and agricultural sciences.

GENERAL PROVISIONS

SEC. 1413. (a) Any vacancy in the Joint Council or the Advisory Board shall not affect their powers under this title and shall be filled in the same manner as the original position.

Vacancies.
7 USC 3128.

(b) Members of the Joint Council and Advisory Board shall serve without compensation, if not otherwise officers or employees of the United States, except that they shall, while away from their homes or regular places of business in the performance of services under this title, be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under sections 5701 through 5707 of title 5 of the United States Code.

Travel expenses.

Subtitle C—Agricultural Research and Education Grants and Fellowships

PROGRAM OF COMPETITIVE, SPECIAL, AND FACILITIES GRANTS FOR AGRICULTURAL RESEARCH

SEC. 1414. Section 2 of the Act of August 4, 1965 (79 Stat. 431; 7 U.S.C. 450i), is amended to read as follows:

“SEC. 2. (a) In order to promote research in food, agriculture, and related areas, a research grants program is hereby established in the Department of Agriculture.

“(b) The Secretary of Agriculture is authorized to make competitive grants, for periods not to exceed five years, to State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals, for research to further the programs of the Department of Agriculture. To the greatest extent possible the Secretary shall allocate these grants to high priority research taking

Grants.

Appropriation
authorization.

into consideration, when available, the determinations made by the Joint Council on Food and Agricultural Sciences identifying high priority research areas. In seeking research proposals and in performing peer review evaluations of such proposals under this subsection, the Secretary shall seek the widest participation of qualified scientists in the Federal Government, all colleges and universities, State agricultural experiment stations, and the private sector. The research grants shall be made without regard to matching funds by the recipient or recipients of such grants. There are hereby authorized to be appropriated for the purpose of carrying out the provisions of this subsection, \$25,000,000 for the fiscal year ending September 30, 1978, \$30,000,000 for the fiscal year ending September 30, 1979, \$35,000,000 for the fiscal year ending September 30, 1980, \$40,000,000 for the fiscal year ending September 30, 1981, and \$50,000,000 for the fiscal year ending September 30, 1982, and not in excess of such sums as may after the date of enactment of the Food and Agriculture Act of 1977 be authorized by law for any subsequent fiscal year.

Food and
agricultural
research grants.

“(c) The Secretary of Agriculture is authorized to make grants, for periods not to exceed five years in duration—

“(1) to land-grant colleges and universities, State agricultural experiment stations, and to all colleges and universities having a demonstrable capacity in food and agricultural research, as determined by the Secretary, to carry out research to facilitate or expand promising breakthroughs in areas of the food and agricultural sciences of importance to the Nation; and

“(2) to land-grant colleges and universities and State agricultural experiment stations, to facilitate or expand on-going State-Federal food and agricultural research programs that (A) promote excellence in research, (B) promote the development of regional research centers, or (C) promote the research partnership between the Department of Agriculture and such colleges and universities or State agricultural experiment stations.

These grants shall be made without regard to matching funds.

Annual grants.

“(d) The Secretary of Agriculture shall make annual grants to support the purchase of equipment, supplies, and land, and the construction, alteration, or renovation of buildings, necessary for the conduct of food and agricultural research, to—

“(1) each State agricultural experiment station in an amount of \$100,000 or an amount which is equal to 10 per centum of the funds received by such station under the Act of March 2, 1887 (24 Stat. 440-442, as amended; 7 U.S.C. 361a-361i), and the Act of October 10, 1962 (76 Stat. 806-807, as amended; 16 U.S.C. 582a, 582a-1-582a-7), whichever is greater: *Provided*, That of any amount in excess of \$50,000 made available under this paragraph during any year for allotment to a State agricultural experiment station, no payment thereof shall be made in excess of the amount which the station makes available during that year for the purposes for which grants under this paragraph are made available; and

“(2) each accredited college of veterinary medicine and State agricultural experiment station which receives funds from the Federal Government for animal health research, in an amount which is equal to 10 per centum of the animal health research funds received by such college or experiment station from the Federal Government during the previous fiscal year.

Deferred grants.

Any college or State agricultural experiment station eligible for annual grants under this subsection may elect to defer the receipt of an annual grant for any fiscal year for up to five years: *Provided*, That

the total amounts deferred may not exceed \$1,000,000. Application may be made for receipt of deferred grants at any time during the five years, subject to the matching funds requirement of this subsection and the availability of appropriations under this subsection.

“(e) Each recipient of assistance under this section shall keep such records as the Secretary of Agriculture shall, by regulation, prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grants, the total cost of the project or undertaking in connection with which such funds are given or used, and the amount of that portion of the costs of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. The Secretary of Agriculture and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this section.

Recordkeeping.

Audit.

“(f) The Secretary of Agriculture shall limit allowable overhead costs, with respect to grants awarded under this section, to those necessary to carry out the purposes of the grants.

“(g) Except as otherwise provided in subsection (b) of this section, there are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this section.

Appropriation authorization.

“(h) The Secretary of Agriculture is authorized to issue such rules and regulations as the Secretary deems necessary to carry out the provisions of this section.”

Rules and regulations.

GRANTS TO ESTABLISH OR EXPAND SCHOOLS OF VETERINARY MEDICINE

SEC. 1415. (a) The Secretary shall conduct a program of grants to States for the purpose of meeting the costs of construction, employing faculty, acquiring equipment, and taking other action relating to the initial establishment and initial operation of schools of veterinary medicine, or the expansion of existing schools of veterinary medicine, as determined by the Secretary by regulations. This grant program shall be based on a matching formula of 50 per centum Federal and 50 per centum State funding.

7 USC 3151.

(b) Except with respect to the States of Alaska and Hawaii, the Secretary shall give preference in awarding grants to States which file, with their application for funds under this section, assurances satisfactory to the Secretary that—

Grant preference.

(1) the State has established, or has made a reasonable effort to establish, a veterinary medical training program with one or more States without colleges of veterinary medicine which consists of appropriate cooperative agreements providing for a sharing of curriculum and costs by the individual States; and

(2) the clinical training of the school to be established or expanded shall emphasize care and preventive medical programs for food-producing animals.

Notwithstanding clause (1) of this subsection, no State which the Secretary determines has made a reasonable effort to establish appropriate cooperative agreements shall be denied a grant or otherwise prejudiced because of its failure to establish such cooperative agreements.

(c) Funds appropriated to carry out this section for any fiscal year shall be apportioned and distributed as follows:

Funds, apportionment.

(1) Four per centum shall be retained by the Department of Agriculture for administration, program assistance to eligible States, and program coordination.

(2) The remainder shall be apportioned and distributed by the Secretary to those States which have applied for funds under this section on such basis as the Secretary may deem appropriate: *Provided*, That not less than 50 per centum of such funds shall be made available to States which have accredited schools of veterinary medicine.

AMENDMENTS TO THE RESEARCH FACILITIES ACT OF 1963

SEC. 1416. The Act of July 22, 1963 (77 Stat. 90-92, as amended; 7 U.S.C. 390, 390a-390k), is amended by—

“Eligible
institution.”
7 USC 390b.

(1) amending paragraph (2) of section 3 to read as follows:

“(2) the term ‘eligible institution’ means a department established under provisions of the Act of March 2, 1887 (24 Stat. 440-442, as amended; 7 U.S.C. 361a-361i), and under the direction of a college or university established in any State in accordance with the Act of July 2, 1862 (12 Stat. 503-505, as amended; 7 U.S.C. 301-305, 307 and 308), a department otherwise established pursuant to standards prescribed by any State the purpose of which is to conduct agricultural research, the Connecticut Agricultural Experiment Station at New Haven, Connecticut, the Ohio Agricultural Experiment Station at Wooster, Ohio, and those colleges, universities, and other legal entities in each State now receiving, or which may hereafter receive, benefits under the Act of August 30, 1890 (26 Stat. 417-419, as amended; 7 U.S.C. 321-326 and 328), including the Tuskegee Institute, or the Act of October 10, 1962 (76 Stat. 806-807, as amended; 16 U.S.C. 582a-582a-1-582a-7); and”;

(2) striking out sections 4 through 12 and inserting in lieu thereof the following new sections:

Appropriation
authorizations.
7 USC 390c.

“SEC. 4. (a) There are hereby authorized to be appropriated for allocation to eligible institutions under this Act to be used for the purpose set out in section 2 of this Act, \$15,000,000 for the fiscal year ending September 30, 1978, \$19,000,000 for the fiscal year ending September 30, 1979, \$23,000,000 for the fiscal year ending September 30, 1980, \$27,000,000 for the fiscal year ending September 30, 1981, and \$31,000,000 for the fiscal year ending September 30, 1982, and not in excess of such sums as may after the date of enactment of the Food and Agriculture Act of 1977 be authorized by law for any subsequent fiscal year.

Funds,
apportionment.

“(b) (1) The first \$4,000,000 appropriated for research facilities pursuant to this section for any fiscal year shall be apportioned equally among eligible institutions.

“(2) Any amount in excess of \$4,000,000 appropriated under this section for any fiscal year shall be apportioned as follows: Each eligible institution shall be entitled to an amount which bears the same ratio to the total amount of funds being allocated in such fiscal year under this paragraph as the amount received by such institution in the preceding fiscal year bears to the total amount received by all eligible institutions in such preceding fiscal year. The amount received by eligible institutions in the preceding fiscal year shall be determined on the basis of funds received under section 3 of the Act of March 2, 1887, section 3 of the Act of October 10, 1962, and—with respect to institutions receiving benefits under the Act of August 30, 1890, including Tuskegee Institute—on the basis of funds received under section 2 of the Act of August 4, 1965 (79 Stat. 431; 7 U.S.C. 450i), during the fiscal years ending September 30, 1977, and September 30, 1978. and

Post, p. 1018.
16 USC 582a-2.
7 USC
321-326a,
328.

on the basis of funds received under section 1445 of the Food and Agriculture Act of 1977 in subsequent years.

"(c) It shall be the duty and responsibility of the Secretary to administer the provisions of this Act under such rules and regulations as the Secretary may prescribe as necessary therefor.

Rules and regulations.

"SEC. 5. As a condition for receiving funds apportioned under section 4 of this Act, each eligible institution shall submit, in such form as the Secretary may require, specific proposals for planning, acquisition, construction, repair, rehabilitation, renovation, or remodeling of buildings, laboratories, and other capital facilities including the acquisition of fixtures and equipment, including scientific instrumentation, which are to become part of such buildings. In a State having more than one eligible institution the Secretary shall devise procedures to insure that the facility proposals of the eligible institutions in such State provide for a coordinated food and agricultural research program among eligible institutions in such State.

Planning proposals.
7 USC 390d.
Ante, p. 994.

"SEC. 6. Any unused portion of the allotment to any eligible institution for any fiscal year shall remain available at the option of such institution for payment to such institution for a period of not more than five fiscal years following the fiscal year in which such allotment is first made available.

7 USC 390e.

"SEC. 7. With respect to multiple-purpose physical facilities, the segment or portion thereof which is to be utilized for food and agricultural research shall be the basis for determination of fund support under this Act.

Multiple-purpose physical facilities.
7 USC 390f.

"SEC. 8. For each fiscal year that funds are made available for allocation the Secretary shall ascertain, at the earliest practicable date during such year, the amount of the allocation to which each eligible institution is entitled and shall notify each such institution in writing promptly thereafter as to the amount of such allocation.

Funds, apportionment.
7 USC 390g.

"SEC. 9. (a) Any eligible institution authorized to receive payments under the provisions of section 4 of this Act shall have a chief administrative officer and a duly designated fiscal officer, who shall be the persons responsible for receipt of payments under the Acts referred to in section 4(b) of this Act, to whom payments can be directed by the Secretary. Such fiscal officer shall receive and account for all funds paid to such institution pursuant to the provisions of this Act, and shall submit a report, approved by the chief administrative officer of such institution, to the Secretary on or before the first day of December of each year. Such report shall contain a detailed statement of the amount received under the provisions of this Act during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary.

Chief administrative officer and fiscal officer.
7 USC 390h.

Report to Secretary of Agriculture.

"(b) If any portion of the allotted funds received by the duly authorized fiscal officer of any eligible institution shall by any action or contingency be diminished, lost, or misapplied, it shall be repaid by the institution concerned, and until repaid no part of any subsequent appropriation shall be allocated or paid to such institution.

Lost or misapplied funds.

"SEC. 10. The Secretary shall make an annual report to Congress during the first regular session of each year with respect to (1) payments made under this Act, (2) the facilities, by institution, for which such payments were made, and (3) whether any portion of the appropriation available for allotment to any of the eligible institutions has been withheld and, if so, the reasons therefor.

Report to Congress.
7 USC 390i.

"SEC. 11. Three per centum of funds appropriated under this Act shall be available to the Secretary for administration of this Act."; and

7 USC 390j.

7 USC 390, 390a.

(3) striking out "the State agricultural experiment stations" each time it occurs in the title, section 1, and section 2 and inserting in lieu thereof "eligible institutions", and striking out "on a matching basis," in section 1.

GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES
EDUCATION

7 USC 3152.

SEC. 1417. (a) The Secretary shall conduct a program of competitive grants for all colleges and universities for the purpose of furthering education in the food and agricultural sciences. These grants shall be made in the following two categories:

Graduate and
postdoctoral
research and
training grants.

(1) Grants to strengthen programs of training and research in the food and agricultural sciences for scientists at the graduate and postdoctoral levels at all colleges and universities. Grants in this category may be used for exploratory research by such scientists, the acquisition of instruments, equipment, and facilities for research and training and other programs and activities aimed at meeting departmental, interdepartmental, or institutionwide training and research needs, or a combination thereof. Grants shall be made on a competitive basis and may cover periods not to exceed four years. Competition for such grants shall be open to all colleges and universities in the United States which have a capacity for teaching, research, and the dissemination of research results in the food and agricultural sciences or which are establishing such programs.

Undergraduate
program grants.

(2) Grants to strengthen undergraduate programs in the food and agricultural sciences at all colleges and universities. Grants in this category may be used to support programs designed to improve such undergraduate programs through traditional or non-traditional courses, curriculums, or teaching modes. Grants shall be made on a competitive basis and may cover periods not to exceed two years. Competition for such grants shall be open to all colleges and universities or to groups of such institutions which individually or collectively have a capacity for teaching, research, and the dissemination of research results in the food and agricultural sciences or which are establishing such programs.

Predoctoral and
postdoctoral
fellowships.

(b) The Secretary shall conduct a program of predoctoral and postdoctoral fellowships in the food and agricultural sciences. These fellowships shall be made in the following two categories:

Fellowship
review panels.

(1) Predoctoral fellowships, each for a period of up to four years. The purpose of these fellowships shall be to provide training and increase research capabilities in areas of need as identified by each State. These fellowships shall be awarded on the basis of merit, as determined by review panels established annually by the Secretary, to graduate students from each of the States, if the following criteria are satisfied:

(A) the student is enrolled in a graduate degree program in a college or university; and

(B) the student intends to pursue or is pursuing a course of study in the food and agricultural sciences which is directly related to an area of need as identified by the Governor or chief executive officer of the State.

At least three such fellowships shall be awarded to students from each State in every year.

(2) Postdoctoral fellowships, each for a period of from one to five years. The purpose of these fellowships shall be to attract highly

promising investigators to research careers in the basic sciences related to agriculture and to provide stipends and research support for their training and establishment as independent investigators. In making awards under this paragraph, the Secretary shall give priority to individuals doing basic research at colleges and universities.

(c) Funds authorized in section 22 of the Act of June 29, 1935 (49 Stat. 439, as amended; 7 U.S.C. 329), are transferred to and shall be administered by the Secretary of Agriculture.

Funds, transfer.

(d) There are hereby authorized to be appropriated for the purposes of carrying out the provisions of this section \$25,000,000 for the fiscal year ending September 30, 1978, \$30,000,000 for the fiscal year ending September 30, 1979, \$35,000,000 for the fiscal year ending September 30, 1980, \$40,000,000 for the fiscal year ending September 30, 1981, and \$50,000,000 for the fiscal year ending September 30, 1982, and not in excess of such sums as may after the date of enactment of this title be authorized by law for any subsequent fiscal year.

Appropriation authorization.

NATIONAL AGRICULTURAL RESEARCH AWARD

SEC. 1418. (a) The Secretary shall establish the National Agricultural Research Award for research or advanced studies in the food and agricultural sciences. Two such awards, one for each of the categories described in subsection (c) of this section, shall be made in each fiscal year.

Establishment.
7 USC 3153.

(b) The awards shall not exceed \$50,000 per year for a period of not to exceed three years to support research or study by the recipient.

(c) Awards under this section shall be made in each fiscal year in two categories as follows:

Categories.

(1) to a scientist in recognition of outstanding contributions to the advancement of the food and agricultural sciences; and

(2) to a research scientist in early career development or a graduate student, in recognition of demonstrated capability and promise of significant future achievement in the food and agricultural sciences.

(d) The Secretary may establish such nominating and selection committees, to consist of scientists and others, to receive nominations and make recommendations for awards under this section, as the Secretary deems appropriate.

Nominating and selection committees.

GRANTS FOR RESEARCH ON THE PRODUCTION AND MARKETING OF ALCOHOLS AND INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS, AND AGRICULTURAL CHEMICALS AND OTHER PRODUCTS FROM COAL DERIVATIVES

SEC. 1419. The Secretary shall make grants under this section to colleges and universities for the purpose of conducting research related to the production and marketing of (1) coal tar, producer gas, and other coal derivatives for the manufacture of agricultural chemicals, methanol, methyl fuel, and alcohol-blended motor fuel (such agricultural chemicals to include, but not be limited to, fertilizers, herbicides, insecticides, and pesticides), (2) alcohol made from agricultural commodities and forest products as a substitute for alcohol made from petroleum products, and (3) other industrial hydrocarbons made from agricultural commodities and forest products. There are hereby authorized to be appropriated for the purposes of carrying out

7 USC 3154.

Appropriation authorization.

the provision of this section, \$3,000,000 for the fiscal year ending September 30, 1978, and such sums as may be necessary for the four subsequent fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982: *Provided*, That the total amount of such appropriations shall not exceed \$24,000,000 during the five-year period beginning October 1, 1977, and ending September 30, 1982, and not in excess of such sums as may after the date of enactment of this title be authorized by law for any subsequent fiscal year: *Provided further*, That not more than a total of \$3,000,000 may be awarded to the colleges and universities of any one State.

PILOT PROJECTS FOR THE PRODUCTION AND MARKETING OF INDUSTRIAL HYDROCARBONS AND ALCOHOLS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS

7 USC 2669.

SEC. 1420. Title V of the Rural Development Act of 1972 (86 Stat. 671-674, as amended: 7 U.S.C. 2661-2668) is amended by adding at the end thereof a new section as follows:

"SEC. 509. (a) The Secretary is authorized and directed to formulate and carry out a pilot program for the production and marketing of industrial hydrocarbons derived from agricultural commodities and forest products for the purpose of stabilizing and expanding the market for such commodities and products and expanding the Nation's supply of industrial hydrocarbons.

Guaranteed
loans.

"(b) The Secretary shall provide for four pilot projects for the production of industrial hydrocarbons and alcohols from agricultural commodities and forest products by guaranteeing loans, not to exceed \$15,000,000 per each such project, to public, private, or cooperative organizations organized for profit or nonprofit, or to individuals for a term not to exceed twenty years at a rate of interest agreed upon by the borrower and lender.

"(c) No loan may be guaranteed under this section unless (1) research indicates the total energy content of the products and byproducts to be manufactured by the loan applicant will exceed the total energy input from fossil fuels used in the manufacture of such products and byproducts, and (2) such other conditions as the Secretary deems appropriate to achieve the purposes of this section are met.

Contract
authority.

"(d) In order to assure that the recipients of loans made under this section have a dependable supply of agricultural commodities at a stable price for use in the pilot projects provided for in this section, the Secretary is authorized to enter into long-term contracts, not exceeding five years, with the recipients of such loans. Such contracts shall guarantee the recipients of such loans a specified quantity of agricultural commodities annually at mutually agreed upon prices, but the agricultural commodities shall not be sold under any such contracts at less than the price support level prescribed for the commodity concerned unless the commodities are out of condition, unstorable, or sample-grade or lower, as prescribed in Department of Agriculture standards.

"(e) The Secretary shall supply from Commodity Credit Corporation stocks or, to such extent or in such amounts as are provided in appropriation Acts, purchase such quantities of agricultural commodities as may be necessary to comply with the terms of agreements entered into under this section.

"(f) The provisions of this section shall be carried out through the Commodity Credit Corporation."

Subtitle D—National Food and Human Nutrition Research and
Extension Program

FINDINGS AND DECLARATIONS

SEC. 1421. (a) Congress hereby finds that there is increasing evidence of a relationship between diet and many of the leading causes of death in the United States; that improved nutrition is an integral component of preventive health care; that there is a serious need for research on the chronic effects of diet on degenerative diseases and related disorders; that nutrition and health considerations are important to United States agricultural policy; that there is insufficient knowledge concerning precise human nutritional requirements, the interaction of the various nutritional constituents of food, and differences in nutritional requirements among different population groups such as infants, children, adolescents, elderly men and women, and pregnant women; and that there is a critical need for objective data concerning food safety, the potential of food enrichment, and means to encourage better nutritional practices. 7 USC 3171.

(b) It is hereby declared to be the policy of the United States that the Department of Agriculture conduct research in the fields of human nutrition and the nutritive value of foods and conduct human nutrition education activities, as provided in this subtitle.

DUTIES OF THE SECRETARY OF AGRICULTURE

SEC. 1422. In order to carry out the policy of this subtitle, the Secretary shall develop and implement a national food and human nutrition research and extension program that shall include, but not be limited to— 7 USC 3172.

- (1) research on human nutritional requirements;
- (2) research on the nutrient composition of foods and the effects of agricultural practices, handling, food processing, and cooking on the nutrients they contain;
- (3) surveillance of the nutritional benefits provided to participants in the food programs administered by the Department of Agriculture;
- (4) research on the factors affecting food preference and habits; and
- (5) the development of techniques and equipment to assist consumers in the home or in institutions in selecting food that supplies a nutritionally adequate diet.

RESEARCH BY THE DEPARTMENT OF AGRICULTURE

SEC. 1423. (a) The Secretary shall establish research into food and human nutrition as a separate and distinct mission of the Department of Agriculture, and the Secretary shall increase support for such research to a level that provides resources adequate to meet the policy of this subtitle. 7 USC 3173.

(b) The Secretary, in administering the food and human nutrition research program, shall periodically consult with the administrators of the other Federal departments and agencies that have responsibility for programs dealing with human food and nutrition, as to the specific research needs of those departments and agencies.

STUDY

Regional food
and human
nutrition research
centers.
7 USC 3174.
Report to
Congress.

SEC. 1424. The Secretary shall perform a study assessing the potential value and cost of establishing regional food and human nutrition research centers in the United States. This assessment shall examine the feasibility of using existing Federal facilities in establishing such centers. The Secretary shall complete this study and submit a report setting forth the findings of the study and recommendations for the implementation of these findings, as a part of the plan the Secretary is required to submit to Congress pursuant to section 1427 of this title, not later than one year after the effective date of this title.

NUTRITION EDUCATION PROGRAM

Establishment.
7 USC 3175.

SEC. 1425. (a) The Secretary shall establish a national education program which shall include, but not be limited to, the dissemination of the results of food and human nutrition research performed or funded by the Department of Agriculture.

(b) In order to enable low-income individuals and families to engage in nutritionally sound food purchasing and preparation practices, the expanded food and nutrition education program presently conducted under section 3(d) of the Act of May 8, 1914 (38 Stat. 373, as amended; 7 U.S.C. 343(d)), shall be expanded to provide for the employment and training of professional and paraprofessional aides to engage in direct nutrition education of low-income families and in other appropriate nutrition education programs. Funds for carrying out the provisions of this subsection shall be allocated to each State in an amount which bears the same ratio to the total amount to be allocated as the population of the State living at or below 125 per centum of the income poverty guidelines prescribed by the Office of Management and Budget (adjusted pursuant to section 625 of the Economic Opportunity Act of 1964 (86 Stat. 697, as amended; 42 U.S.C. 2971d)), bears to the total population of all the States living at or below 125 per centum of the income poverty guidelines, as determined by the last preceding decennial census at the time each such sum is first appropriated. To the maximum extent practicable, program aides shall be hired from the indigenous target population. The provisions of this subsection shall not preclude the Secretary from developing educational materials and programs for persons in income ranges above the level designated in this subsection.

NUTRITION EDUCATION MATERIALS

Elementary and
secondary school
programs.
7 USC 3176.

SEC. 1426. In order to encourage nutrition education programs in the classrooms and lunchrooms of elementary and secondary schools, the Secretary shall, in consultation with appropriate officers in the Department of Health, Education, and Welfare, develop and distribute to State departments of education a comprehensive set of educational materials on food and nutrition education which shall be appropriate for all levels of the elementary and secondary education system.

REPORT TO CONGRESS

7 USC 3177.

SEC. 1427. The Secretary shall submit a comprehensive plan for implementing the national food and human nutrition research and extension program provided for by this subtitle to Congress within one year after the effective date of this title. The plan shall include, but not be limited to, recommendations relating to research direction,

funding levels, needed facilities grants, and use of Federal facilities in cooperation with States and others, necessary to achieve the policy set forth in section 1421 of this title.

NUTRITIONAL STATUS MONITORING

SEC. 1428. (a) The Secretary and the Secretary of Health, Education, and Welfare shall formulate and submit to Congress, within ninety days after the date of enactment of this title, a proposal for a comprehensive nutritional status monitoring system, to include:

Report to
Congress.
7 USC 3178.

(1) an assessment system consisting of periodic surveys and continuous monitoring to determine: the extent of risk of nutrition-related health problems in the United States; which population groups or areas of the country face greatest risk; and the likely causes of risk and changes in the above risk factors over time;

(2) a surveillance system to identify remediable nutrition-related health risks to individuals or for local areas, in such a manner as to tie detection to direct intervention and treatment. Such system should draw on screening and other information from other health programs, including those funded under titles V, XVIII, and XIX of the Social Security Act and section 330 of the Public Health Service Act; and

42 USC 701,
1395, 1396.
42 USC 254c.

(3) program evaluations to determine the adequacy, efficiency, effectiveness, and side effects of nutrition-related programs in reducing health risks to individuals and populations.

(b) The proposal shall provide for coordination of activities under existing authorities and contain recommendations for any additional authorities necessary to achieve a comprehensive monitoring system.

Subtitle E—Animal Health and Disease Research

PURPOSE

SEC. 1429. It is the purpose of this subtitle to promote the general welfare through the improved health and productivity of domestic livestock, poultry, aquatic animals, and other income-producing animals which are essential to the Nation's food supply and the welfare of producers and consumers of animal products; to improve the health of horses; to facilitate the effective treatment of, and, where possible, prevent, animal and poultry diseases in both domesticated and wild animals which, if not controlled, would be disastrous to the United States livestock and poultry industries and endanger the Nation's food supply; to minimize livestock and poultry losses due to transportation and handling; to protect human health through control of animal diseases transmissible to humans; to improve methods of controlling the births of predators and other animals; and otherwise to promote the general welfare through expanded programs of research and extension to improve animal health. It is recognized that the total animal health and disease research and extension efforts of the several State colleges and universities and of the Federal Government would be more effective if there were close coordination between such programs, and it is further recognized that colleges and universities having accredited colleges of veterinary medicine or departments of veterinary sciences or animal pathology, and similar units conducting animal health and disease research in the State agricultural experiment stations, are especially vital in training research workers in animal health.

7 USC 3191.

DEFINITIONS

7 USC 3192.

Sec. 1430. When used in this subtitle—

(1) the term “eligible institution” means any college or university having an accredited college of veterinary medicine or a department of veterinary science or animal pathology, or a similar unit conducting animal health and disease research in a State agricultural experiment station;

(2) the term “dean” means the dean of a college or university which qualifies as an eligible institution;

(3) the term “director” means the director of a State agricultural experiment station which qualifies as an eligible institution;

(4) the term “Board” means the Animal Health Science Research Advisory Board; and

(5) the term “animal health research capacity” means the capacity of an eligible institution to conduct animal health and disease research, as determined by the Secretary.

AUTHORIZATION TO THE SECRETARY OF AGRICULTURE

7 USC 3193.

Sec. 1431. In order to carry out the purpose of this subtitle, the Secretary is hereby authorized to cooperate with, encourage, and assist the States in carrying out programs of animal health and disease research at eligible institutions in the manner hereinafter described in this subtitle.

ANIMAL HEALTH SCIENCE RESEARCH ADVISORY BOARD

Establishment;
membership.
7 USC 3194.

Sec. 1432. (a) The Secretary shall establish a board to be known as the Animal Health Science Research Advisory Board which shall have a term of five years, and which shall be composed of the following eleven members—

(1) a representative of the Agricultural Research Service of the Department of Agriculture,

(2) a representative of the Cooperative State Research Service of the Department of Agriculture,

(3) a representative of the Animal and Plant Health Inspection Service of the Department of Agriculture,

(4) a representative of the Bureau of Veterinary Medicine of the Food and Drug Administration of the Department of Health, Education, and Welfare, and

(5) seven members appointed by the Secretary—

(A) two persons representing accredited colleges of veterinary medicine,

(B) two persons representing State agricultural experiment stations, and

(C) three persons representing national livestock and poultry organizations.

Travel expenses.

The members shall serve without compensation, if not otherwise officers or employees of the United States, except that they shall, while away from their homes or regular places of business in the performance of services for the Board, be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under sections 5701 through 5707 of title 5 of the United States Code.

(b) The Board shall meet at the call of the Secretary, but at least once annually, to consult with and advise the Secretary with respect

to the implementation of this subtitle and to recommend immediate priorities for the conduct of research programs authorized under this subtitle, under such rules and procedures for conducting business as the Secretary shall, in the Secretary's discretion, prescribe.

APPROPRIATIONS FOR CONTINUING ANIMAL HEALTH AND DISEASE
RESEARCH PROGRAMS

Sec. 1433. (a) There are hereby authorized to be appropriated such funds, not to exceed \$25,000,000 annually, as Congress may determine necessary to support continuing animal health and disease research programs at eligible institutions. Funds appropriated under this section shall be used: (1) to meet expenses of conducting animal health and disease research, publishing and disseminating the results of such research, and contributing to the retirement of employees subject to the provisions of the Act of March 4, 1940 (54 Stat. 39-40, as amended; 7 U.S.C. 331); (2) for administrative planning and direction; and (3) to purchase equipment and supplies necessary for conducting such research.

Appropriation
authorization.
7 USC 3195.

(b) Funds appropriated under subsection (a) of this section for any fiscal year shall be apportioned as follows:

Funds,
apportionment.

(1) Four per centum shall be retained by the Department of Agriculture for administration, program assistance to the eligible institutions, and program coordination.

(2) Forty-eight per centum shall be distributed among the several States in the proportion that the value of and income to producers from domestic livestock and poultry in each State bears to the total value of and income to producers from domestic livestock and poultry in all the States. The Secretary shall determine the total value of and income from domestic livestock and poultry in all the States and the proportionate value of and income from domestic livestock and poultry for each State, based on the most current inventory of all cattle, sheep, swine, horses, and poultry published by the Department of Agriculture.

(3) Forty-eight per centum shall be distributed among the several States in the proportion that the animal health research capacity of the eligible institutions in each State bears to the total animal health research capacity in all the States. The Secretary shall determine the animal health research capacity of the eligible institutions with the advice, when available, of the Board.

(c) In each State with one or more accredited colleges of veterinary medicine, the deans of the accredited college or colleges and the director of the State agricultural experiment station shall develop a comprehensive animal health and disease research program for the State based on the animal health research capacity of each eligible institution in the State, which shall be submitted to the Secretary for approval and shall be used for the allocation of funds available to the State under this section.

State animal
health and
disease research
program.

(d) When the amount available under this section for allotment to any State on the basis of domestic livestock and poultry values and income exceeds the amount for which the eligible institution or institutions in the State are eligible on the basis of animal health research capacity, the excess may be used, at the discretion of the Secretary, for remodeling of facilities, construction of new facilities, or increase in staffing, proportionate to the need for added research capacity.

Excess funds.

(e) Whenever a new college of veterinary medicine is established in a State and is accredited, the Secretary, after consultation with the

Funds,
reallocation.

dean of such college and the director of the State agricultural experiment station and, where applicable, deans of other accredited colleges in the State, shall provide for the reallocation of funds available to the State pursuant to subsection (b) of this section between the new college and other eligible institutions in the State, based on the animal health research capacity of each eligible institution.

Regional colleges
of veterinary
medicine.

(f) Whenever two or more States jointly establish an accredited regional college of veterinary medicine or jointly support an accredited college of veterinary medicine serving the States involved, the Secretary is authorized to make funds which are available to such States pursuant to subsection (b) (2) of this section available for such college in such amount that reflects the combined relative value of and income from domestic livestock and poultry in the cooperating States, such amount to be adjusted, as necessary, pursuant to the provisions of subsections (c) and (e) of this section.

APPROPRIATIONS FOR RESEARCH ON NATIONAL OR REGIONAL PROBLEMS

Appropriation
authorization.
7 USC 3196.

SEC. 1434. (a) There are hereby authorized to be appropriated such funds, not to exceed \$15,000,000 annually, as Congress may determine necessary to support research on specific national or regional animal health or disease problems.

(b) Funds appropriated under this section shall be allocated by the Secretary to eligible institutions for work to be done, as mutually agreed upon between the Secretary and the eligible institution or institutions. The Secretary shall, whenever possible, consult the Board in developing plans for the use of these funds.

AVAILABILITY OF APPROPRIATED FUNDS

7 USC 3197.

SEC. 1435. Funds available for allocation under the terms of this subtitle shall be paid to each State or eligible institution at such times and in such amounts as shall be determined by the Secretary. Funds shall remain available for payment of unliquidated obligations for one additional fiscal year following the year of appropriation.

WITHHOLDING OF APPROPRIATED FUNDS

7 USC 3198.

SEC. 1436. If the Secretary determines that a State is not entitled to receive its allocation of the annual appropriation under section 1433 of this title because of its failure to satisfy requirements of this subtitle or regulations issued under it, the Secretary shall withhold such amount. The facts and reasons concerning the determination and withholding shall be reported to the President; and the amount involved shall be kept separate in the Treasury until the close of the next Congress. If the next Congress does not direct such sum to be paid, it shall be carried to surplus.

Report to
President.

REQUIREMENTS FOR USE OF FUNDS

Research project
proposals.
7 USC 3199.

SEC. 1437. With respect to research projects on problems of animal health and disease to be performed at eligible institutions and supported with funds allocated to the States under section 1433 of this title, the dean or director of each eligible institution shall cause to be prepared and shall review proposals for such research projects, which contain data showing compliance with the purpose in section 1429 of this title and the provisions for use of funds specified in section 1433 (a) of this title, and with general guidelines for project eligibility

to be provided by the Secretary with the advice, when available, of the Board. Such research proposals that are approved by the dean or director shall be submitted to the Secretary prior to assignment of funds thereto with a brief summary showing compliance with the provisions of this subtitle and the Secretary's general guidelines.

Report to
Secretary of
Agriculture.

MATCHING FUNDS

SEC. 1438. No funds in excess of \$100,000, exclusive of the funds provided for research on specific national or regional animal health and disease problems under the provisions of section 1434 of this title, shall be paid by the Federal Government to any State under this subtitle during any fiscal year in excess of the amount from non-Federal sources made available to and budgeted for expenditure by eligible institutions in the State during the same fiscal year for animal health and disease research. The Secretary is authorized to make such payments in excess of \$100,000 on the certificate of the appropriate official of the eligible institution having charge of the animal health and disease research for which such payments are to be made. If any eligible institution certified for receipt of matching funds fails to make available and budget for expenditure for animal health and disease research in any fiscal year sums at least equal to the amount for which it is certified, the difference between the Federal matching funds available and the funds made available to and budgeted for expenditure by the eligible institution shall be reapportioned by the Secretary among other eligible institutions of the same State, if there are any which qualify therefor, and, if there are none, the Secretary shall reapportion such difference among the other States. 7 USC 3200.

ALLOCATIONS UNDER THIS SUBTITLE NOT SUBSTITUTIONS

SEC. 1439. The sums appropriated and allocated to States and eligible institutions under this subtitle shall be in addition to, and not in substitution for, sums appropriated or otherwise made available to such States and institutions pursuant to other provisions of law. 7 USC 3201.

Subtitle F—Small Farm Research and Extension

SMALL FARM RESEARCH AND EXTENSION PROGRAMS

SEC. 1440. Section 502 of the Rural Development Act of 1972 (86 Stat. 671; 7 U.S.C. 2662) is amended by—

(1) amending subsection (c) to read as follows:

“(c) **SMALL FARM RESEARCH PROGRAMS.**—Small farm research programs shall consist of programs of research to develop new approaches for initiating and upgrading small farmer operations through management techniques, agricultural production techniques, farm machinery technology, new products, new marketing techniques, and small farm finance.”; and

(2) adding at the end thereof a new subsection (d) as follows:

“(d) **SMALL FARM EXTENSION PROGRAMS.**—Small farm extension programs shall consist of extension programs to improve operations of small farmers using, to the maximum extent practicable, paraprofessional personnel to work with small farmers on an intensive basis to initiate and improve management techniques, agricultural production techniques, farm machinery technology, marketing techniques,

and small farm finance, and to increase utilization by small farmers of existing services offered by the United States Department of Agriculture and other public and private agencies and organizations.”.

PROGRAM MONEYS

SEC. 1441. Section 503 of the Rural Development Act of 1972 (86 Stat. 672, as amended; 7 U.S.C. 2663) is amended by—

7 USC 2662. (1) inserting in subsection (a) a comma and the phrase “except subsections (c) and (d) of section 502,” after the phrase “this title”;

(2) redesignating subsections (c), (d), and (e) as (e), (f), and (g), respectively;

(3) adding new subsections (c) and (d) as follows:

Appropriation
authorization.

“(c) There are hereby authorized to be appropriated to carry out the purposes of subsections (c) and (d) of section 502 of this title not to exceed \$20,000,000 for each of the fiscal years ending September 30, 1978, and September 30, 1979.

Funds,
apportionment.

“(d) Such sums as Congress shall appropriate to carry out the purposes of this title pursuant to subsection (c) of this section shall be distributed by the Secretary as follows:

“(1) 4 per centum to be used by the Secretary for Federal administration;

“(2) 19 per centum to be allocated among the several States to carry out the programs authorized in subsection (c) of section 502 of this title in such amounts as determined by the Secretary; and

“(3) 77 per centum to be allocated among the several States to carry out the programs authorized in subsection (d) of section 502 of this title in such amounts as determined by the Secretary.”; and

(4) striking out in subsection (f), as redesignated by subsection (b) of this section, the word “and” after “(b),” and inserting a comma and the phrase “and (d)” after “(c)”.

DEFINITION OF SMALL FARMER

SEC. 1442. Section 507 of the Rural Development Act of 1972 (86 Stat. 674; 7 U.S.C. 2667) is amended by adding at the end thereof a new subsection (c) to read as follows:

“(c) ‘Small farmer’ means any farmer with gross sales from farming of \$20,000 or less per year.”.

REPORTS

SEC. 1443. Title V of the Rural Development Act of 1972 (86 Stat. 671-674, as amended; 7 U.S.C. 2661-2668) is amended by adding at the end thereof a new section 510 to read as follows:

“REPORTS

Report to
Congress.
7 USC 2670.

“SEC. 510. The Secretary shall evaluate annually the effectiveness of the programs established under subsections (c) and (d) of section 502 of this title and make a report to Congress not later than February 1 of each year on that evaluation and the operation of the programs during the preceding fiscal year.”.

Subtitle G—1890 Land-Grant College Funding

EXTENSION AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE
INSTITUTE

SEC. 1444. (a) There are hereby authorized to be appropriated annually such sums as Congress may determine necessary to support continuing agricultural and forestry extension at colleges eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417-419, as amended; 7 U.S.C. 321-326 and 328), including Tuskegee Institute (hereinafter in this section referred to as "eligible institutions"). Beginning with the fiscal year ending September 30, 1979, there shall be appropriated under this section for each fiscal year an amount not less than 4 per centum of the total appropriations for such year under the Act of May 8, 1914 (38 Stat. 372-374, as amended; 7 U.S.C. 341-349): *Provided*, That the amount appropriated for the fiscal year ending September 30, 1979, shall not be less than the amount made available for the fiscal year ending September 30, 1978, to such eligible institutions under section 3(d) of the Act of May 8, 1914 (38 Stat. 373, as amended; 7 U.S.C. 343(d)). Funds appropriated under this section shall be used for expenses of conducting extension programs and activities, and for contributing to the retirement of employees subject to the provisions of the Act of March 4, 1940 (54 Stat. 39-40, as amended; 7 U.S.C. 331). No more than 20 per centum of the funds received by an institution in any fiscal year may be carried forward to the succeeding fiscal year.

Appropriation
authorization.
7 USC 3221.

(b) Beginning with the fiscal year ending September 30, 1979—

Funds,
apportionment.

(1) any funds annually appropriated under this section up to the amount appropriated for the fiscal year ending September 30, 1978, pursuant to section 3(d) of the Act of May 8, 1914, as amended, for eligible institutions, shall be allocated among the eligible institutions in the same proportion as funds appropriated under section 3(d) of the Act of May 8, 1914, as amended, for the fiscal year ending September 30, 1978, are allocated among the eligible institutions; and

(2) any funds appropriated annually under this section in excess of an amount equal to the amount appropriated under section 3(d) of the Act of May 8, 1914, for the fiscal year ending September 30, 1978, for eligible institutions, shall be distributed as follows:

(A) A sum equal to 4 per centum of the total amount appropriated each fiscal year under this section shall be allotted to the Extension Service of the Department of Agriculture for administrative, technical, and other services, and for coordinating the extension work of the Department of Agriculture and the several States.

(B) Of the remainder, 20 per centum shall be allotted among the eligible institutions in equal proportions; 40 per centum shall be allotted among the eligible institutions in the proportion that the rural population of the State in which each eligible institution is located bears to the total rural population of all the States in which eligible institutions are located, as determined by the last preceding decennial census; and the balance shall be allotted among the eligible institutions in the proportion that the farm population of the State in which each eligible institution is located bears to the total

farm population of all the States in which the eligible institutions are located, as determined by the last preceding decennial census.

In computing the distribution of funds allocated under paragraph (2) of this subsection, the allotments to Tuskegee Institute and Alabama Agricultural and Mechanical University shall be determined as if each institution were in a separate State.

Comprehensive
program of
extension,
submittal to
Secretary of
Agriculture.

(c) The State director of the cooperative extension service and the administrative head for extension at the eligible institution in each State where an eligible institution is located shall jointly develop, by mutual agreement, a comprehensive program of extension for such State to be submitted for approval by the Secretary within one year after the date of enactment of this title.

Entitlement.

(d) On or about the first day of October in each year after enactment of this title, the Secretary shall ascertain whether each eligible institution is entitled to receive its share of the annual appropriation for extension work under this section and the amount which it is entitled to receive. Before the funds herein provided shall become available to any eligible institution for any fiscal year, plans for the work to be carried out under this section shall be submitted by the proper officials of each institution and approved by the Secretary. Such sums shall be paid in equal quarterly payments on or about October 1, January 1, April 1, and July 1 of each year to the treasurer or other officer of the eligible institution duly authorized to receive such payments and such officer shall be required to report to the Secretary on or about the first day of December of each year a detailed statement of the amount so received during the previous fiscal year and its disbursement, on forms prescribed by the Secretary.

Work plans.

Report to
Secretary of
Agriculture.

Lost or
misapplied funds.

(e) If any portion of the moneys received by any eligible institution for the support and maintenance of extension work as provided in this section shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by such institution and until so replaced no subsequent appropriation shall be apportioned or paid to such institution. No portion of such moneys shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college course teaching, lectures in college, or any other purpose not specified in this section. It shall be the duty of such institution, annually, on or about the first day of January, to make to the Governor of the State in which it is located a full and detailed report of its operations in extension work, including a detailed statement of receipts and expenditures from all sources for this purpose, a copy of which report shall be sent to the Secretary.

Institutional
operations, report
to Governor.

Report to
President.

(f) If the Secretary finds that an eligible institution is not entitled to receive its share of the annual appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the expiration of the next Congress in order that the institution may, if it should so desire, appeal to Congress from the determination of the Secretary. If the next Congress does not direct such sum to be paid, it shall be carried to surplus.

U.S. mail service,
use.

(g) To the extent that the official mail consists of correspondence, bulletins, and reports for furtherance of the purposes of this section, it shall be transmitted in the mails of the United States under penalty indicia: *Provided*, That each item shall bear such indicia as are prescribed by the Postmaster General and shall be mailed under such

regulations as the Postmaster General may from time to time prescribe. Such items may be mailed from a principal place of business of each eligible institution or from an established subunit of such institution.

AGRICULTURAL RESEARCH AT 1890 LAND-GRANT COLLEGES, INCLUDING
TUSKEGEE INSTITUTE

SEC. 1445. (a) There are hereby authorized to be appropriated annually such sums as Congress may determine necessary to support continuing agricultural research at colleges eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417-419, as amended; 7 U.S.C. 321-326 and 328), including Tuskegee Institute (hereinafter referred to in this section as "eligible institutions"). Beginning with the fiscal year ending September 30, 1979, there shall be appropriated under this section for each fiscal year an amount not less than 15 per centum of the total appropriations for such year under section 3 of the Act of March 2, 1887 (24 Stat. 441, as amended; 7 U.S.C. 361c): *Provided*, That the amount appropriated for the fiscal year ending September 30, 1979, shall not be less than the amount made available in the fiscal year ending September 30, 1978, to such eligible institutions under the Act of August 4, 1965 (79 Stat. 431, 7 U.S.C. 450i). Funds appropriated under this section shall be used for expenses of conducting agricultural research, printing, disseminating the results of such research, contributing to the retirement of employees subject to the provisions of the Act of March 4, 1940 (54 Stat. 39-40, as amended; 7 U.S.C. 331), administrative planning and direction, and purchase and rental of land and the construction, acquisition, alteration, or repair of buildings necessary for conducting agricultural research. The eligible institutions are authorized to plan and conduct agricultural research in cooperation with each other and such agencies, institutions, and individuals as may contribute to the solution of agricultural problems, and moneys appropriated pursuant to this section shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

Appropriation
authorization.
7 USC 3222.

Post, p. 1018.

(b) Beginning with the fiscal year ending September 30, 1979, the funds appropriated in each fiscal year under this section shall be distributed as follows:

Funds,
apportionment.

(1) Three per centum shall be available to the Secretary for administration of this section.

(2) The remainder shall be allotted among the eligible institutions as follows:

(A) \$100,000 to each eligible institution.

(B) Of the remaining funds, one-half in an amount which bears the same ratio to the total amount to be allotted as the rural population of the State in which the eligible institution is located bears to the total rural population of all the States in which eligible institutions are located, as determined by the last preceding decennial census; and one-half in an amount which bears the same ratio to the total amount to be allotted as the farm population of the State in which the eligible institution is located bears to the total farm population of all the States in which eligible institutions are located, as determined by the last preceding decennial census.

In computing the distribution under this paragraph, the allotments to Tuskegee Institute and Alabama Agricultural and Mechanical University shall be determined as if each institution were in a separate State.

Comprehensive
agricultural
research
program,
submittal to
Secretary of
Agriculture.

(c) The director of the State agricultural experiment station in each State where an eligible institution is located and the chief administrative officer specified in subsection (d) of this section in each of the eligible institutions in such State shall jointly develop, by mutual agreement, a comprehensive program of agricultural research in such State, to be submitted for approval by the Secretary within one year after the date of enactment of this title.

Chief
administrative
officer,
appointment.
Treasurer,
designation.
Report to
Secretary of
Agriculture.

(d) Sums available for allotment to the eligible institutions under the terms of this section shall be paid to such institutions in equal quarterly payments beginning on or about the first day of October of each year upon vouchers approved by the Secretary. The President of each eligible institution shall appoint a chief administrative officer who shall be responsible for administration of the program authorized herein. Each eligible institution shall designate a treasurer or other officer who shall receive and account for all funds allotted to such institution under the provisions of this section and shall report, with the approval of the chief administrative officer, to the Secretary on or before the first day of December of each year a detailed statement of the amount received under the provisions of this section during the preceding fiscal year and its disbursement on schedules prescribed by the Secretary. If any portion of the allotted moneys received by any eligible institution shall by any action or contingency be diminished, lost, or misapplied, it shall be replaced by such institution and until so replaced no subsequent appropriation shall be allotted or paid to such institution. Funds made available to eligible institutions shall not be used for payment of negotiated overhead or indirect cost rates.

Lost or
misapplied funds.

U.S. mail service,
use.

(e) Bulletins, reports, periodicals, reprints or articles, and other publications necessary for the dissemination of results of the research and experiments funded under this section, including lists of publications available for distribution by the eligible institutions, shall be transmitted in the mails of the United States under penalty indicia: *Provided*, That each publication shall bear such indicia as are prescribed by the Postmaster General and shall be mailed under such regulations as the Postmaster General may from time to time prescribe. Such publications may be mailed from the principal place of business of each eligible institution or from an established subunit of such institution.

Rules and
regulations.

(f) The Secretary shall be responsible for the proper administration of this section, and is authorized and directed to prescribe such rules and regulations as may be necessary to carry out its provisions. It shall be the duty of the Secretary to furnish such advice and assistance as will best promote the purposes of this section, including participation in coordination of research initiated under this section by the eligible institutions, from time to time to indicate such lines of inquiry as to the Secretary seem most important, and to encourage and assist in the establishment and maintenance of cooperation by and between the several eligible institutions, the State agricultural experiment stations, and between them and the Department of Agriculture.

(g) (1) On or before the first day of October in each year after the enactment of this title, the Secretary shall ascertain whether each eligible institution is entitled to receive its share of the annual appropriations under this section and the amount which thereupon each is entitled, respectively, to receive.

Unexpended
funds.

(2) Whenever it shall appear to the Secretary from the annual statement of receipts and expenditures of funds by any eligible institution that any portion of the preceding annual appropriation allotted to that institution under this section remains unexpended, such amount

shall be deducted from the next succeeding annual allotment to the institution.

(3) If the Secretary withholds from any eligible institution any portion of the appropriations available for allotment, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress. If the next Congress does not direct such sum to be paid, it shall be carried to surplus.

Report to
President.

(4) The Secretary shall make an annual report to Congress during the first regular session of each year of the receipts and expenditures and work of the eligible institutions under the provisions of this section and also whether any portion of the appropriation available for allotment to any institution has been withheld and if so the reasons therefor.

Report to
Congress.

(h) Nothing in this section shall be construed to impair or modify the legal relationship existing between any of the eligible institutions and the government of the States in which they are respectively located.

Subtitle H—Solar Energy Research and Development

PART 1—EXISTING PROGRAMS

AGRICULTURAL RESEARCH

SEC. 1446. Section 1 of the Act of June 29, 1935 (49 Stat. 436, as amended; 7 U.S.C. 427), is amended by—

(1) inserting after “electricity and other forms of power;” in the third sentence the following: “research and development relating to uses of solar energy with respect to farm buildings, farm homes, and farm machinery (including equipment used to dry and cure crops and provide irrigation);”; and

(2) adding at the end thereof the following new sentence: “For purposes of this title, the term ‘solar energy’ means energy derived from sources (other than fossil fuels) and technologies included in the Federal Non-Nuclear Energy Research and Development Act of 1974, as amended.”.

“Solar energy.”

42 USC 5901
note.

AGRICULTURAL EXTENSION

SEC. 1447. The Act of May 8, 1914 (38 Stat. 372–374, as amended; 7 U.S.C. 341–349), is amended by—

(1) inserting after “subjects relating to agriculture” in section 1 the following: “, uses of solar energy with respect to agriculture,”;

7 USC 341.

(2) adding at the end of section 1 the following new sentence: “For the purposes of this Act, the term ‘solar energy’ means energy derived from sources (other than fossil fuels) and technologies included in the Federal Non-Nuclear Energy Research and Development Act of 1974, as amended.”; and

“Solar energy.”

(3) inserting after “demonstrations in agriculture” in section 2 the following: “, uses of solar energy with respect to agriculture,”.

7 USC 342.

RURAL DEVELOPMENT

SEC. 1448. (a) Section 303 of the Consolidated Farm and Rural Development Act (75 Stat. 307, as amended; 7 U.S.C. 1923) is amended by inserting “(a)” immediately before the first sentence and by adding the following new subsection:

Definitions.

“(b) For purposes of this subtitle—

“(1) the term ‘improving farms’ includes, but is not limited to, the acquisition and installation of any qualified non-fossil energy system in any residential structure located on a family farm; and

“(2) the term ‘qualified non-fossil energy system’ means any system that utilizes technologies to generate fuel, energy, or energy intensive products from products other than fossil fuels as included in the Federal Non-Nuclear Energy Research and Development Act of 1974, as amended, which meets such standards as may be prescribed by the Secretary, taking into consideration appropriate and available standards prescribed by the Secretary of Housing and Urban Development.”.

42 USC 5901
note.

(b) Section 312(a) of the Consolidated Farm and Rural Development Act (75 Stat. 312, as amended; 7 U.S.C. 1942(a)) is amended by—

(1) inserting after “poultry, and farm equipment” in clause (2) the following: “(including equipment which utilizes solar energy)” ; and

“Solar energy.”

(2) adding at the end thereof a new sentence as follows: “For the purposes of this subtitle, the term ‘solar energy’ means energy derived from sources (other than fossil fuels) and technologies included in the Federal Non-Nuclear Energy Research and Development Act of 1974, as amended.”.

PART 2—COMPETITIVE GRANTS PROGRAM

Solar energy
research.
7 USC 3241.

SEC. 1449. The Secretary shall carry out a program of competitive grants to persons and organizations, subject to the requirements and conditions provided for in sections 2(e), 2(f), and 2(h) of the Act of August 4, 1965 (79 Stat. 431; 7 U.S.C. 450i), as amended by section 1414 of this title, for carrying out research and development relating to—

(1) uses of solar energy with respect to farm buildings, farm homes, and farm machinery (including, but not limited to, equipment used to dry or cure farm crops or forest products, or to provide irrigation) ; and

(2) uses of biomass derived from solar energy, including farm and forest products, byproducts, and residues, as substitutes for nonrenewable fuels and petrochemicals.

PART 3—INFORMATION SYSTEM AND ADVISORY COMMITTEE

SOLAR ENERGY RESEARCH INFORMATION SYSTEM

Solar energy
research projects,
compilation.
7 USC 3251.

SEC. 1450. The Secretary shall, through the Cooperative State Research Service and other agencies within the Department of Agriculture which the Secretary considers appropriate, in consultation with the Energy Research and Development Administration, other appropriate United States Government agencies, the National Academy of Sciences, and private and nonprofit institutions involved in solar energy research projects, by June 1, 1978, and by June 1 in each year thereafter, make a compilation of solar energy research projects related to agriculture which are being carried out during such year by Federal, State, private, and nonprofit institutions and, where available, the results of such projects. Such compilations may include, but are not limited to, projects dealing with heating and cooling methods for farm structures and dwellings (such as greenhouses, curing barns, and livestock shelters), storage of power, operation of farm equipment

(including irrigation pumps, crop dryers and curers, and electric vehicles), and the development of new technologies to be used on farms which are powered by other than fossil fuels or derivatives thereof.

ADVISORY COMMITTEE

SEC. 1451. In order to assist the Secretary in carrying out functions assigned to the Secretary under part 4 of this subtitle, the Secretary is authorized to establish an advisory committee within the Department of Agriculture or utilize an existing advisory committee, if a suitable one exists, for such purposes.

Establishment,
authorization.
7 USC 3252.

PART 4—MODEL FARMS AND DEMONSTRATION PROJECTS

MODEL FARMS

SEC. 1452. (a) In order to promote the establishment and operation of solar energy demonstration farms within each State, the Secretary shall distribute funds to carry out the activities described in subsections (b) and (c) of this section and section 1453 of this title to one or more of the following in each State: the State department of agriculture, the State cooperative extension service, the State agricultural experiment station, forestry schools eligible to receive funds under the Act of October 10, 1962 (76 Stat. 806-807, as amended; 16 U.S.C. 582a, 582a-1—582a-7), or colleges and universities eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417-419, as amended; 7 U.S.C. 321-326 and 328), including Tuskegee Institute (hereinafter in this part referred to as "eligible institutions"), in accordance with such rules and regulations as the Secretary may prescribe.

7 USC 3261.

(b) The recipient or recipients in such State shall—

(1) establish at least one large model farm which—

(A) demonstrates all the solar energy projects determined by the Secretary, in consultation with the recipient or recipients, to be useful and beneficial to the State;

(B) is located in the State on land owned or operated by that State and, if practicable, on the State agricultural experiment station farm land; and

(C) includes other farming practices, such as raising livestock and crops, in order to provide a model of a farm which applies new and improved methods of agriculture through the use of solar energy as a means of heating, cooling, drying, or curing crops, and providing other farm needs;

(2) sell the products of the model farm established under paragraph (1) of this subsection and pay to the Secretary that portion of the proceeds received through each such sale as bears the same proportion to the total proceeds as the grants under this section bear to the total cost of operating the farm. The Secretary shall deposit such funds into a fund which shall be available without fiscal year limitation for use in carrying out the provisions of this part;

Sale of farm
produce.

(3) provide tours of the model farm to farmers and other interested groups and individuals and, upon request, provide such farmers, groups, and individuals with information concerning the operation of such model farm and the demonstrations, if any, established by it under section 1453 of this title;

Farm tours.

(4) determine the costs of energy, the income, and the total cost of the model farm; and

Cost
determination.

Report to
Secretary of
Agriculture.

(5) annually compile a report concerning energy usage, income costs, operating difficulties, and farmer interest with respect to the model farm and the demonstrations, if any, established by it under section 1453 of this title, and submit the report to the Secretary along with any recommendations concerning project changes and specific needs of such farm or demonstrations.

(c) The results obtained from each model farm established under subsection (b) of this section which prove to be economically practical shall be extended to other farms in each State through the State cooperative extension service as part of its ongoing energy management and conservation education programs.

DEMONSTRATION PROJECTS

Establishment.
7 USC 3262.

SEC. 1453. (a) During each calendar year after the first two calendar years for which eligible institutions in a State receive grants pursuant to section 1452 of this title the recipient or recipients of such grants in each State, in consultation with the Secretary, shall establish not less than ten demonstrations of solar energy projects which they shall select from among the projects demonstrated on the model farm established in the State pursuant to section 1452 of this title. Such demonstrations shall be carried out on farms which are already operating in the State.

Agreements.

(b) The recipient or recipients in each State shall enter into written agreements with persons who own farms and who are willing to carry out solar energy project demonstrations under this section. Such agreements shall include the following provisions concerning solar energy projects which the owners agree to demonstrate on such farms:

(1) The owner shall carry out the projects on the farm for such period as the Secretary determines to be necessary to fairly demonstrate them.

(2) Tools, equipment, seeds, seedlings, fertilizer, equipment, and other agricultural materials and technology which are necessary to carry out the projects and which, on the date of such agreement, are not commonly being used on farms in such State, shall be provided by the recipient or recipients.

(3) During the demonstration period, the recipient or recipients, with the assistance of the Extension Service of the Department of Agriculture, shall provide the owner with technical assistance concerning such projects.

(4) During the demonstration period and for such other periods as the recipient or recipients deem necessary, the owner shall—

Recordkeeping.

(A) keep a monthly record for the farm of changes, if any, in energy usage and costs, the amount of agricultural commodities produced, the costs of producing such amount, and the income derived from producing such amount, and of such other data concerning the projects as the recipient or recipients may require; and

Records,
transmittal.

(B) transmit to the recipient or recipients such monthly records, along with a report containing his or her findings, conclusions, and recommendations concerning the projects.

(5) During the demonstration period, the owner shall give tours of the farm to farmers and other interested groups and individuals and provide them with a summary of the costs of carrying out such projects.

(6) All right, title, and interest to any agricultural commodity produced on the farm as a result of the projects shall be in the owner.

(7) At the end of the demonstration period, the owner shall have all right, title, and interest to any materials and technology provided under paragraph (2) of this subsection.

(8) Such other provisions as the Secretary may, by rule, require. Rules.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 1454. There are hereby authorized to be appropriated for distribution to eligible institutions for use in establishing model farms and solar energy project demonstrations under the provisions of this part, \$20,000,000 for the period beginning October 1, 1977, and ending September 30, 1981, and thereafter such sums as may subsequent to the date of enactment of this title be authorized by law for any subsequent fiscal year. 7 USC 3263.

PART 5—REGIONAL SOLAR ENERGY RESEARCH AND DEVELOPMENT CENTERS

SEC. 1455. In order to provide for agricultural research, development, and demonstration projects having a national or regional application, the Secretary shall establish in existing Federal facilities or in cooperation with State and local government agencies, including State departments of agriculture, colleges and universities, or other qualified persons and organizations, including local nonprofit research groups, not less than three nor more than five regional solar energy research, development, and demonstration centers in the United States for the performance of agricultural research, extension work, and demonstration projects relating to use of solar energy with respect to farm buildings, farm homes, and farm machinery (including equipment used to dry and cure crops and provide irrigation), to be variously located so as to reflect the unique solar characteristics of different latitudes and climatic regions within the United States. Funds used in the operation of such regional centers may be used for the rehabilitation of existing buildings or facilities to house such centers, but may not be used for the construction or acquisition of new buildings. Establishment. 7 USC 3271.

PART 6—APPROPRIATIONS AND DEFINITIONS

AUTHORIZATION FOR APPROPRIATIONS

SEC. 1456. There are hereby authorized to be appropriated such funds as are necessary to carry out the provisions of parts 2, 3, and 5 of this subtitle. 7 USC 3281.

DEFINITIONS

SEC. 1457. For purposes of this subtitle—

(1) the term “solar energy” means energy derived from sources (other than fossil fuels) and technologies included in the Federal Non-Nuclear Energy Research and Development Act of 1974, as amended; and 7 USC 3282.

(2) the term “State” means any State of the United States, the Commonwealth of Puerto Rico, Guam, the District of Columbia, American Samoa, and the Virgin Islands of the United States.

Subtitle I—International Agricultural Research and Extension

SEC. 1458. The Secretary, subject to such coordination with other Federal officials, departments, and agencies as the President may direct, is authorized to— 7 USC 3291.

(1) expand the operational coordination of the Department of Agriculture with institutions and other persons throughout the world performing agricultural research and extension activities by exchanging research materials and results with such institutions or persons and by conducting with such institutions or persons joint or coordinated research and extension on problems of significance to agriculture in the United States;

(2) assist the Agency for International Development with agricultural research and extension programs in developing countries;

(3) work with developed countries on agricultural research and extension, including the stationing of United States scientists at national and international institutions in such countries;

(4) assist United States colleges and universities in strengthening their capabilities for agricultural research and extension relevant to agricultural development activities overseas; and

(5) further develop within the Department of Agriculture highly qualified experienced scientists who specialize in international programs, to be available for the activities described in this section.

Subtitle J—Studies

EVALUATION OF THE EXTENSION SERVICE AND THE COOPERATIVE EXTENSION SERVICES

Transmittal to
Congress.
7 USC 3301.

SEC. 1459. The Secretary shall transmit to Congress, not later than March 31, 1979, an evaluation of the economic and social consequences of the programs of the Extension Service and the cooperative extension services, including those programs relating to agricultural production and distribution, home economics, nutrition education (including the Expanded Family and Nutrition Education Program), community development, and 4-H youth programs.

WEATHER AND WATER ALLOCATION STUDY

Report to
President and
Congress.
7 USC 3302.

SEC. 1460. The Secretary shall conduct a comprehensive study of the effects of changing climate and weather on crop and livestock productivity and, within twelve months after the date of the enactment of this title, submit to the President and Congress a report together with pertinent recommendations, on this study. The study shall include—

(1) an assessment of current climate and weather conditions in the United States and the possible impact of changes in climate and weather conditions on the Nation's economy and future food and feed availability and prices;

(2) a review of Federal and State water allocation policies; and

(3) a consideration of strategies and techniques for dealing with water shortages in the United States that could occur if current climate and weather conditions continue or become more severe.

ORGANIC FARMING STUDY

Report to
President and
Congress.
7 USC 3303.

SEC. 1461. The Secretary shall conduct, and, within twelve months after the date of enactment of this title, submit to the President and Congress a report containing the results of and the Secretary's recommendations concerning, an investigation and analysis of the practicability, desirability, and feasibility of collecting organic waste

materials, including manure, crop and food wastes, industrial organic waste, municipal sewage sludge, logging and wood-manufacturing residues, and any other organic refuse, composting or similarly treating such materials, and transporting and placing such materials onto the land to improve soil tilth and fertility. The analysis shall include the projected cost of such collection, transportation, and placement in accordance with sound locally approved soil and water conservation practices.

AGRICULTURAL RESEARCH FACILITIES STUDY

SEC. 1462. (a) The Secretary shall conduct a comprehensive study of the status and future needs of agricultural research facilities and, within fourteen months after the date of enactment of this title, submit to the President and Congress a report on this study.

Report to
President and
Congress,
7 USC 3304.

(b)(1) The report shall cover agricultural research facilities and materials including, but not limited to, buildings and farms, laboratories, plant, seed, genetic stock, insect, virus, and animal collections, and lease and purchase items such as computers, laboratory instruments, and related equipment.

(2) The report shall include recommendations for a program to provide the United States with the most modern and efficient system of research facilities needed to advance agricultural research in all fields, and recommendations with regard to priority requirements for research instrumentation and facilities needing modernization, construction, or renovation in accordance with the requirements of State, regional, and national priority programs of research and based on the fullest utilization of human, monetary, and physical resources.

Subtitle K—Funding and Miscellaneous Provisions

AUTHORIZATION FOR APPROPRIATIONS FOR EXISTING AND CERTAIN NEW AGRICULTURAL RESEARCH PROGRAMS

SEC. 1463. (a) Notwithstanding any authorization for appropriations for agricultural research in any Act enacted prior to the date of enactment of this title, there are hereby authorized to be appropriated for the purposes of carrying out the provisions of this title, except subtitle H and sections 1416, 1417, 1419, 1420, and the competitive grants program provided for in section 1414, and except that the authorization for moneys provided under the Act of March 2, 1887 (24 Stat. 440-442, as amended; 7 U.S.C. 361a-361i), is excluded and is provided for in subsection (b) of this section, \$505,000,000 for the fiscal year ending September 30, 1978, \$575,000,000 for the fiscal year ending September 30, 1979, \$645,000,000 for the fiscal year ending September 30, 1980, \$715,000,000 for the fiscal year ending September 30, 1981, and \$780,000,000 for the fiscal year ending September 30, 1982, and not in excess of such sums as may after the date of enactment of this title be authorized by law for any subsequent fiscal year.

7 USC 3311.

(b) Notwithstanding any authorization for appropriations for agricultural research at State agricultural experiment stations in any Act enacted prior to the date of enactment of this title, there are hereby authorized to be appropriated for the purpose of conducting agricultural research at State agricultural experiment stations pursuant to the Act of March 2, 1887 (24 Stat. 440-442, as amended; 7 U.S.C. 361a-361i), \$120,000,000 for the fiscal year ending September 30, 1978, \$145,000,000 for the fiscal year ending September 30, 1979, \$170,000,000 for the fiscal year ending September 30, 1980, \$195,000,000 for the fiscal

year ending September 30, 1981, and \$220,000,000 for the fiscal year ending September 30, 1982, and not in excess of such sums as may after the date of enactment of this title be authorized by law for any subsequent fiscal year.

AUTHORIZATION FOR APPROPRIATIONS FOR EXTENSION EDUCATION

7 USC 3312.

SEC. 1464. Notwithstanding any authorization for appropriations for the Cooperative Extension Service in any Act enacted prior to the date of enactment of this title, there are hereby authorized to be appropriated for the purposes of carrying out the extension programs of the Department of Agriculture \$260,000,000 for the fiscal year ending September 30, 1978, \$280,000,000 for the fiscal year ending September 30, 1979, \$300,000,000 for the fiscal year ending September 30, 1980, \$320,000,000 for the fiscal year ending September 30, 1981, and \$350,000,000 for the fiscal year ending September 30, 1982, and not in excess of such sums as may after the date of enactment of this title be authorized by law for any subsequent fiscal year.

EXTENSION PROGRAMS FOR GUAM AND THE VIRGIN ISLANDS OF THE UNITED STATES

Matching funds.

SEC. 1465. Section 3 of the Act of May 8, 1914 (38 Stat. 373, as amended; 7 U.S.C. 343), is amended by adding thereto a new subsection (e) to read as follows:

“(e) Insofar as the provisions of subsections (b) and (c) of this section, which require or permit Congress to require matching of Federal funds, apply to the Virgin Islands of the United States and Guam, such provisions shall be deemed to have been satisfied, for the fiscal years ending September 30, 1978, and September 30, 1979, only, if the amounts budgeted and available for expenditure by the Virgin Islands of the United States and Guam in such years equal the amounts budgeted and available for expenditure by the Virgin Islands of the United States and Guam in the fiscal year ending September 30, 1977.”.

AMENDMENTS TO THE HATCH ACT

Repeal.

SEC. 1466. (a) Section 3(c)(4) of the Act of March 2, 1887 (24 Stat. 441, as amended; 7 U.S.C. 361c(c)(4)), is hereby repealed.

(b) Section 3(c)(5) of such Act (24 Stat. 441, as amended; 7 U.S.C. 361c(c)(5)) is amended by adding at the end thereof a new sentence to read as follows: “These administrative funds may be used for transportation of scientists who are not officers or employees of the United States to research meetings convened for the purpose of assessing research opportunities or research planning.”.

PAYMENT OF FUNDS

7 USC 3313.

SEC. 1467. Except as provided elsewhere in this Act or any other Act of Congress, funds available for allotment under this title shall be paid to each eligible institution or State at such time and in such amounts as shall be determined by the Secretary.

WITHHOLDING OF FUNDS

Report to
President.
7 USC 3314.

SEC. 1468. Except as provided elsewhere in this Act or any other Act of Congress, if the Secretary determines that an institution or State is not entitled to receive its allotment of an annual appropria-

tion under any provision of this title because of a failure to satisfy requirements of this title or regulations issued under it, the Secretary shall withhold such amounts, the facts and reasons concerning the determination and withholding shall be reported to the President, and the amount involved shall be deposited in the miscellaneous receipts of the Treasury.

AUDITING, REPORTING, BOOKKEEPING, AND ADMINISTRATIVE REQUIREMENTS

SEC. 1469. Except as provided elsewhere in this Act or any other Act of Congress— 7 USC 3315.

(1) assistance provided under this title shall be subject to the provisions of sections 2(e), 2(f), and 2(h) of the Act of August 4, 1965 (79 Stat. 431; 7 U.S.C. 450i), as amended by section 1414 of this title;

(2) the Secretary shall provide that each recipient of assistance under this title shall submit an annual report, at such times and on such forms as the Secretary shall prescribe, stating the accomplishments of projects (on a project-by-project basis) for which such assistance was used and accounting for the use of all such assistance. If the Secretary determines that any portion of funds made available under this title has been lost or applied in a manner inconsistent with the provisions of this title or regulations issued thereunder the recipient of such funds shall reimburse the Federal Government for the funds lost or so applied, and the Secretary shall not make available to such recipient any additional funds under this Act until the recipient has so reimbursed the Federal Government;

Lost or
misapplied funds.

(3) three per centum of the appropriations shall be retained by the Secretary for the administration of the programs authorized under this title; and

(4) the Secretary shall establish appropriate criteria for grant and assistance approval and necessary regulations pertaining thereto.

RULES AND REGULATIONS

SEC. 1470. The Secretary is authorized to issue such rules and regulations as the Secretary deems necessary to carry out the provisions of this title. 7 USC 3316.

TITLE XV—RURAL DEVELOPMENT AND CONSERVATION

AGRICULTURAL CONSERVATION PROGRAM

SEC. 1501. (a) Section 8 of the Soil Conservation and Domestic Allotment Act (49 Stat. 1149, as amended; 16 U.S.C. 590h) is amended by—

(1) striking out the first three sentences of subsection (b) and inserting in lieu thereof the following: "The Secretary is authorized to carry out the policy and purposes specified in section 7(a) of this Act by providing financial assistance to agricultural producers for carrying out enduring conservation and environmental enhancement measures. Eligibility for financial assistance shall be based upon the existence of a conservation or environmental prob-

Conservation and
environmental
assistance.

lem which reduces the productive capacity of the Nation's land and water resources or causes degradation of environmental quality.

"The amount of financial assistance to be provided shall be that portion of the cost of installing conservation and environmental enhancement measures which the Secretary determines is necessary. In determining the level of payment, consideration will be given to (A) the amount of expected conservation or environmental benefit accruing to society, (B) the total cost of carrying out the needed measures, (C) the degree to which appropriate conservation or pollution abatement practices will be applied in the absence of financial assistance, and (D) in order to avoid duplication of assistance, the degree to which the agricultural producer benefits from other public programs for conservation and environmental enhancement.

"The Secretary, in formulating the national program, shall take into consideration (A) the need to control erosion and sedimentation from agricultural land and to conserve the water resources on such land, (B) the need to control pollution from animal wastes, (C) the need to facilitate sound resources management systems through soil and water conservation, (D) the need to encourage voluntary compliance by agricultural producers with Federal and State requirements to solve point and nonpoint sources of pollution, (E) national priorities reflected in the National Environmental Policy Act of 1969 and other congressional and administrative actions, (F) the degree to which the measures contribute to the national objective of assuring a continuous supply of food and fiber necessary for the maintenance of a strong and healthy people and economy, and (G) the type of conservation measures needed to improve water quality in rural America.";

(2) designating as a separate paragraph that portion of the first paragraph of subsection (b) not amended by paragraph (1) of this subsection; and

(3) striking out the first three paragraphs of subsection (e) and inserting in lieu thereof the following: "Payments made by the Secretary under subsection (b) of this section to agricultural producers shall be divided among landlords, tenants, and sharecroppers in proportion to the extent such landlords, tenants, and sharecroppers contribute to the cost of carrying out the conservation or environmental enhancement measures. The maximum payment which may be made to any person shall be determined by the Secretary."

(b) Section 15 of the Soil Conservation and Domestic Allotment Act (49 Stat. 1151, as amended; 16 U.S.C. 590o) is amended by—

(1) adding at the end of the first sentence three new sentences as follows: "The amount appropriated shall be available until expended. A specified amount or percentage of the appropriation shall be designated for long-term agreements based on farm and ranch conservation plans approved by local conservation districts, where such districts are organized. The Secretary shall distribute the funds available for financial assistance among the several States in accordance with their conservation needs, as determined by the Secretary."; and

(2) striking out the second paragraph.

42 USC 4321
note.

Funds,
apportionment.

Funds for long-
term agreements.

INCLUSION OF AQUACULTURE AND HUMAN NUTRITION AMONG THE
BASIC FUNCTIONS OF THE DEPARTMENT OF AGRICULTURE

SEC. 1502. (a) Section 520 of the Revised Statutes, as amended (7 U.S.C. 2201), is amended by striking out "agriculture and rural development" and inserting in lieu thereof "agriculture, rural development, aquaculture, and human nutrition."

(b) Subsection (a) of section 526 of the Revised Statutes, as amended (7 U.S.C. 2204(a)), is amended by striking out "agriculture and rural development" and inserting in lieu thereof "agriculture, rural development, aquaculture, and human nutrition".

AQUACULTURE LOAN AUTHORITY

SEC. 1503. (a) Section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 526, as amended; 7 U.S.C. 1011(e)) is amended by—

(1) inserting immediately after "land utilization" the following: "or plans for the conservation, development, and utilization of water for aquacultural purposes"; and

(2) inserting immediately before the second sentence a new sentence as follows: "As used in this subsection, the term 'aquaculture' means the culture or husbandry of aquatic animals or plants." "Aquaculture."

(b) Section 310B(a) of subtitle A of the Consolidated Farm and Rural Development Act (86 Stat. 663; 7 U.S.C. 1932(a)) is amended by—

(1) striking out the period at the end of the first sentence and inserting in lieu thereof the following: ", and the conservation, development, and utilization of water for aquaculture purposes." ; and

(2) adding at the end thereof a new sentence as follows: "As used in this subsection, the term 'aquaculture' means the culture or husbandry of aquatic animals or plants by private industry for commercial purposes including the culture and growing of fish by private industry for the purpose of creating or augmenting publicly owned and regulated stocks of fish." "Aquaculture."

DISPOSITION OF EXCESS FEDERAL PROPERTY TO RURAL FIRE FORCES

SEC. 1504. Section 402 of the Rural Development Act of 1972 (86 Stat. 670; 7 U.S.C. 2652) is amended by inserting "(a)" before the first sentence and adding at the end thereof new subsections (b) and (c) as follows:

"(b) The Secretary, with cooperation and assistance from the Administrator of the General Services Administration, shall encourage the use of excess personal property (within the meaning of the Federal Property and Administrative Services Act of 1949) by rural fire forces receiving assistance under this title. 40 USC 471 note

"(c) To promote maximum program effectiveness and economy, the Secretary shall closely coordinate the assistance provided under this title with assistance provided under other fire protection and rural development programs administered by the Secretary."

RURAL COMMUNITY FIRE PROTECTION PROGRAM

SEC. 1505. Section 404 of the Rural Development Act of 1972 (86 Stat. 671, as amended; 7 U.S.C. 2654) is amended by adding at the end thereof a new sentence as follows: "There is further authorized

Appropriation
authorization.

to be appropriated to carry out the provisions of this title not to exceed \$7,000,000 for each of the fiscal years ending September 30, 1978, September 30, 1979, and September 30, 1980.”.

CONGRESSIONAL APPROVAL OF WATERSHED PROTECTION AND FLOOD
PREVENTION PROJECTS

SEC. 1506. The Watershed Protection and Flood Prevention Act (68 Stat. 666, as amended) is amended as follows:

(a) Section 2 (16 U.S.C. 1002) is amended by striking out “\$250,000” and inserting in lieu thereof “\$1,000,000”.

(b) Section 5(3) (16 U.S.C. 1005(3)) is amended by striking out “\$250,000” and inserting in lieu thereof “\$1,000,000”.

(c) Section 5(4) (16 U.S.C. 1005(4)) is amended by striking out “\$250,000” and inserting in lieu thereof “\$1,000,000”.

CONGRESSIONAL APPROVAL OF RESOURCE CONSERVATION AND
DEVELOPMENT PROJECT LOANS

SEC. 1507. The third sentence of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, as amended; 7 U.S.C. 1011(e)) is amended by striking out “\$250,000” and inserting in lieu thereof “\$500,000”.

WATERSHED LOAN AUTHORITY

SEC. 1508. The last sentence of section 8 of the Watershed Protection and Flood Prevention Act (70 Stat. 1090, as amended; 16 U.S.C. 1006a) is amended by striking out “five million dollars” and inserting in lieu thereof “\$10,000,000”.

MULTIYEAR SET-ASIDE

SEC. 1509. Section 1005 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (87 Stat. 243; 16 U.S.C. 1505) is amended by—

(1) striking out “1977” and inserting in lieu thereof “1981”;

(2) striking out “1978” and inserting in lieu thereof “1982”;

and

(3) amending the fourth sentence to read as follows: “Grazing of livestock under this section shall be prohibited, except in areas of a major disaster as determined by the President if the Secretary finds there is a need therefor, as a result of such disaster.”.

AUTHORITY TO MAKE DEFERRED LOAN PAYMENTS

SEC. 1510. The Consolidated Farm and Rural Development Act (75 Stat. 307, as amended) is amended as follows:

(a) Section 309 (7 U.S.C. 1929) is amended by adding in subsection (f) (3) between the words “any” and “defaulted” the words “deferred or”.

(b) Section 309A (7 U.S.C. 1929a) is amended by adding in subsection (g) (3) between the words “any” and “defaulted” the words “deferred or”.

CRITICAL LANDS RESOURCE CONSERVATION PROGRAM

16 USC 590q-3.

SEC. 1511. Notwithstanding any other provision of law—

(a) The Secretary of Agriculture is authorized to formulate and carry out a program with owners and operators of land in the Great

Plains area as described in section 16(b) of the Soil Conservation and Domestic Allotment Act (49 Stat. 1151, as amended; 16 U.S.C. 590p(b)) to reduce runoff, soil and water erosion, and otherwise to promote the conservation of soil and water resources in such area through the conversion of cropland from soil depleting uses to conserving uses including the production of soil conserving cover crops.

(b) To effectuate the purposes of the program, the Secretary may enter into an agreement for a two-year period with an owner or operator as described in subsection (a) whereby the owner or operator shall agree to devote to a soil conserving cover crop a specifically designated acreage of cropland on the farm up to 50 per centum of the acreage which had been planted to any soil depleting crop or crops in any of the two years preceding the date of the agreement. The agreement shall be renewable for annual periods thereafter subject to the mutual agreement of the owner or operator and the Secretary. In such agreement, the owner or operator shall agree (1) to plant a legume, or if not adapted to such area, an annual, biennial, or a perennial cover crop, as specified in the agreement; (2) to divert from production such portion of one or more crops designated by the Secretary as the Secretary determines necessary to effectuate the purpose of the program; (3) not to harvest any crop from or graze the designated acreage during the agreement period, unless the Secretary determines that it is necessary to permit grazing or harvesting in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster, and consents to such grazing or harvesting subject to an appropriate reduction in the rate of payment; (4) to give adequate assurance, as specified by the Secretary, that the land was not acquired for the purpose of placing it in the program: *Provided*, That the foregoing provision shall not prohibit the continuation of an agreement by a new owner if an agreement has once been entered into under this section nor prevent an owner or operator from placing a farm in the program if the farm was acquired by the owner to replace an eligible farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain; (5) to forfeit all rights to further payments under the agreement and refund to the United States all payments received thereunder upon his violation of the agreement at any stage during the time he has control of the land if the Secretary determines that such violation is of such a nature as to warrant termination of the agreement, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if the Secretary determines that the violation by the owner or operator does not warrant termination of the agreement; (6) upon transfer of his right and interest in the farm, during the agreement period, to forfeit all rights to further payments under the agreement and refund to the United States all payments received thereunder unless the transferee of any such land agrees with the Secretary to assume all obligations of the agreement; (7) not to adopt any practice specified by the Secretary in the agreement as a practice which would tend to defeat the purposes of the agreement; and (8) to such additional provisions as the Secretary determines are desirable to effectuate the purposes of the program or to facilitate the practical administration of the program, including such measures as the Secretary may deem appropriate to keep the designated acreage from eroding and free from weeds and rodents in accordance with good conservation systems.

(c) In consideration for such agreement, the Secretary shall make annual adjustment payments to the owner or operator for the period of

Agreement.

Annual
adjustment
payments.

the agreement at such rate or rates not in excess of \$30 per acre as the Secretary determines to be fair and reasonable. The Secretary may use an advertising and bid procedure in determining the lands in any area to be covered by agreements and the payment rate therefor. The Secretary and the owner or operator may agree that the annual adjustment payments for the agreement period shall be made either upon approval of the agreement or in such installments as they may agree to be desirable: *Provided*, That for each year any annual adjustment payment is made in advance of performance, the annual adjustment payment shall be reduced by 5 per centum.

Termination.

(d) The Secretary may terminate any agreement under the program, by mutual agreement with the owner or operator, if the Secretary determines that such termination would be in the public interest, and may agree with the owner or operator to such modification of agreements as the Secretary may determine to be desirable to carry out the purposes of the program or facilitate its administration.

Regulations.

(e) The Secretary may, to the extent the Secretary deems it desirable, provide by appropriate regulations for preservation of cropland, crop acreage, and allotment history applicable to acreage diverted from the production of crops to establish vegetative cover for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation or for participation in such program.

Federal and non-Federal offices, utilization.

(f) In carrying out the program, the Secretary shall utilize the services of local, county, and State committees established under section 8 of the Soil Conservation and Domestic Allotment Act (49 Stat. 1149, as amended; 16 U.S.C. 590h) and the technical services of the Soil Conservation Service and soil and water conservation districts.

Program payments.

(g) In case any producer who is entitled to any payment under the program dies, becomes incompetent, or disappears before receiving such payment, or is succeeded by another who renders or completes the required performance, the payment shall, without regard to any other provisions of law, be made as the Secretary may determine to be fair and reasonable.

Tenants and sharecroppers.

(h) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments under the program.

Regulations.

(i) The Secretary shall prescribe such regulations as the Secretary determines necessary to carry out the provisions of this section.

Appropriation authorization.

(j) There are hereby authorized to be appropriated for the period beginning October 1, 1977, and ending September 30, 1981, such sums as may be necessary to carry out the program provided for in this section. The Secretary is authorized to utilize the facilities, services, and authorities of the Commodity Credit Corporation in discharging the Secretary's functions and responsibilities under the program, including payment of costs of administration: *Provided*, That the Commodity Credit Corporation shall not make any expenditures for such purposes unless the Corporation has received funds to cover such expenditures from appropriations made to carry out this section.

Commodity Credit Corporation, utilization.

TITLE XVI—FEDERAL GRAIN INSPECTION

RECORDS

Record maintenance.

SEC. 1601. Section 12(d) of the United States Grain Standards Act (90 Stat. 2882; 7 U.S.C. 87a(d)) is amended by striking out "shall, within the five-year period thereafter, maintain complete and accurate records of purchases, sales, transportation, storage, weighing, han-

dling, treating, cleaning, drying, blending, and other processing, and official inspection and official weighing of grain,” and inserting in lieu thereof the following: “shall maintain such complete and accurate records for such period of time as the Administrator may, by regulation, prescribe for the purpose of the administration and enforcement of this Act.”

SUPERVISION FEES

SEC. 1602. (a) Section 7(j) of the United States Grain Standards Act (90 Stat. 2873; 7 U.S.C. 79(j)) is amended to read as follows:

“(j) The Administrator shall, under such regulations as the Administrator may prescribe, charge and collect reasonable fees to cover the estimated cost of official inspection except when the official inspection is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this subsection shall, as nearly as practicable and after taking into consideration any proceeds from the sale of samples, cover the costs of the Service incident to its performance of official inspection services in the United States and on United States grain in Canadian ports, excluding administrative and supervisory costs. Such fees, and the proceeds from the sale of samples obtained for purposes of official inspection which become the property of the United States, shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.”

Inspection costs.

(b) Section 7A(1) of the United States Grain Standards Act (90 Stat. 2877; 7 U.S.C. 79a(1)) is amended to read as follows:

“(1) The Administrator shall, under such regulations as the Administrator may prescribe, charge and collect reasonable fees to cover the estimated costs of official weighing and supervision of weighing except when the official weighing or supervision of weighing is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this subsection shall, as nearly as practicable, cover the costs of the Service incident to its performance of official weighing and supervision of weighing services in the United States and on United States grain in Canadian ports, excluding administrative and supervisory costs. Such fees shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.”

Weighing costs.

(c) Section 21 of the United States Grain Standards Act of 1976 (90 Stat. 2886) is amended by striking out “those Federal administrative and supervisory costs incurred within the Service’s Washington office or not directly related to the official inspection or the provision of weighing services for grain” and inserting in lieu thereof the following: “Federal administrative and supervisory costs related to the official inspection or the provision of weighing services for grain”.

7 USC 87h.

(d) Section 27 of the United States Grain Standards Act of 1976 (90 Stat. 2889) is amended by striking out “, who pays fees when due, in the same manner as prescribed in section 7 or 7A of the United States Grain Standards Act, as amended by this Act.”.

Post, pp. 1030,
1031.
7 USC 74 note.

ESTABLISHMENT OF TEMPORARY ADVISORY COMMITTEE

SEC. 1603. (a) In order to assure the normal movement of grain in an orderly and timely manner, the Secretary of Agriculture shall establish a temporary advisory committee to provide advice to the Administrator of the Federal Grain Inspection Service with respect to the

7 USC 75a note.

- 7 USC 71 note.
Membership. implementation of the United States Grain Standards Act of 1976. The advisory committee shall consist of not more than twelve members, appointed by the Secretary, representing the interests of grain producers, consumers, and all segments of the grain industry, including grain inspection and weighing agencies. Members of the advisory committee shall be appointed not later than thirty days after the date of enactment of this Act.
- Clerical
assistance. (b) The advisory committee shall be governed by the provisions of the Federal Advisory Committee Act.
- Travel expenses. (c) The Administrator of the Federal Grain Inspection Service shall provide the advisory committee with necessary clerical assistance and staff personnel.
- Termination. (d) Members of the advisory committee shall serve without compensation, if not otherwise officers or employees of the United States, except that members shall, while away from their homes or regular places of business in the performance of services under this title, be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5 of the United States Code.
- Appropriation
authorization. (e) The advisory committee shall terminate eighteen months after the date of enactment of this Act.
- (f) There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this section.

TECHNICAL AMENDMENTS

SEC. 1604. The United States Grain Standards Act (39 Stat. 482-485, as amended; 7 U.S.C. 71, 74-79, 79a and 79b, 84-87, and 87a-87h) is amended as follows:

- 7 USC 75. (a) Section 3 is amended by—
- “Official
agency.” (1) striking out “grain sorghum” in subsection (g) and inserting in lieu thereof “sorghum”;
- 7 USC 79. (2) amending subsection (m) to read as follows:
- 7 USC 79a. “(m) the term ‘official agency’ means any State or local governmental agency, or any person, designated by the Administrator pursuant to subsection (f) of section 7 of this Act for the conduct of official inspection (other than appeal inspection), or subsection (c) of section 7A of this Act for the conduct of official weighing or supervision of weighing (other than appeal weighing);”;
- “Supervision of
weighing.” (3) inserting “for” immediately after “under standards provided” in subsection (x); and
- (4) amending subsection (y) to read as follows:
- “(y) the term ‘supervision of weighing’ means such supervision by official inspection personnel of the grain-weighing process as is determined by the Administrator to be adequate to reasonably assure the integrity and accuracy of the weighing and of certificates which set forth the weight of the grain and such physical inspection by such personnel of the premises at which the grain weighing is performed as will reasonably assure that all the grain intended to be weighed has been weighed and discharged into the elevator or conveyance;”.
- Delegation of
authority. (b) Section 3A is amended by adding at the end thereof the following: “The Secretary may delegate authority to the Administrator to perform related functions for grain and similar commodities and products thereof under other statutes administered by the Department of Agriculture. Notwithstanding any other provision of law, the Secretary is authorized to appoint four individuals to positions at grade 16 of the General Schedule, in the Service.”.
- 7 USC 75a.
- 5 USC 5332 note.

(c) Section 4(a) is amended by—

7 USC 76.

(1) striking out “grain sorghum” and inserting in lieu thereof “sorghum”;

(2) inserting a comma after “equipment calibration and maintenance”; and

(3) inserting “or procedures” after “(2) standards” and after “revoke such standards” and striking out “procedures” after “weight certification”.

(d) Section 7 is amended by—

7 USC 79.

(1) designating the third sentence in paragraph (2) of subsection (e) as paragraph (4) of subsection (e) and inserting it at the end of subsection (e);

(2) amending subsection (f) by—

(A) in the first sentence of paragraph (2), inserting “or State delegated authority pursuant to subsection (e) (2) of this section” immediately after “Not more than one official agency”, inserting “inspection” immediately before “provisions of this Act”, and striking out “, but this paragraph shall not be applicable to prevent any inspection agency from operating in any area in which it was operative on August 15, 1968”;

(B) striking out “No” in the second sentence of paragraph (2) and inserting in lieu thereof “Except as authorized by the Administrator, no”;

(C) designating the second sentence of paragraph (2) as paragraph (3) of subsection (f); and

(D) designating the third sentence of paragraph (2) as paragraph (4) of subsection (f);

(3) striking out “subsections (e) and (f)” in paragraph (1) of subsection (g) and inserting in lieu thereof “subsection (f)”;

(4) adding at the end of subsection (i) a new sentence as follows: “All or specified functions of such inspections shall be performed by official inspection personnel employed by the Service or, except for appeals, by persons operating under a contract with the Service.”.

(e) Section 7A is amended by—

7 USC 79a

(1) in subsection (b), inserting “official weighing or” immediately after “The Administrator is authorized to cause” and inserting “at export elevators” immediately after “located other than”;

(2) amending paragraph (2) of subsection (c) by—

(A) in the first sentence, inserting “or supervision of weighing” immediately after “to delegate authority to perform official weighing”, inserting “official weighing or” immediately before “supervision of weighing, if such agency or person qualifies”, and striking out “number” and inserting in lieu thereof “under”;

(B) in clause (A) of the second sentence, striking out “at export elevators”, and inserting “or supervision of weighing” immediately after “official weighing”; and

(C) inserting “official weighing or” immediately before “supervision of weighing” wherever this phrase appears in clause (B) of the second sentence;

(3) adding at the end of subsection (d) a new sentence as follows: “All or specified functions of such weighing shall be performed by official inspection personnel employed by the Service or, except for appeals, by persons operating under a contract with the Service.”;

- (4) striking out the second sentence of subsection (e) ;
 - (5) amending subsection (f) by—
 - (A) in clause (2), striking out “employ” and inserting in lieu thereof “permit”, and inserting “and who are approved by the Administrator” immediately before “to operate the scales”; and
 - (B) in clause (3), striking out “employees of the facility” and inserting in lieu thereof “persons other than official inspection personnel”, and striking out “employees to operate” and inserting in lieu thereof “such persons to operate”;
 - (6) inserting “or supervision of weighing” immediately after “official weighing” in subsection (g) ;
 - (7) inserting “or local governmental agency” immediately after “No State” in subsection (i) ; and
 - (8) adding at the end of subsection (i) a new sentence as follows: “Not more than one official agency or State delegated authority pursuant to subsection (c) (2) of this section for carrying out the weighing provisions of this Act shall be operative at one time for any geographic area as determined by the Administrator to effectuate the objectives stated in section 2 of this Act.”.
- 7 USC 74.
7 USC 79b.
- (f) Section 7B is amended by—
- (1) inserting “for the purpose of official inspection, official weighing, or supervision of weighing” immediately before “of grain located at all grain elevators” in subsection (a) ;
 - (2) at the end of subsection (a), inserting “Such regulations shall provide for the charging and collection of reasonable fees to cover the estimated costs to the Service incident to the performance of such testing by employees of the Service. Such fees shall be deposited into the fund created by section 7(j) of this Act.”; and
 - (3) inserting “for the purposes of this Act” immediately after “no person shall use” in subsection (c).
- Regulations.
- 7 USC 79.
- 7 USC 84.
- (g) Section 8 is amended by—
- (1) amending subsection (a) by—
 - (A) inserting “, other than appeal weighing,” immediately after “supervision of weighing” in clause (1) ;
 - (B) striking out “of grain” in clause (2)(B) and inserting in lieu thereof “(including appeal weighing) of grain in the United States, or of United States grain in Canadian ports”; and
 - (C) in clause (3), inserting “or governmental agency” immediately after “(3) to contract with any person”, and striking out “specified sampling and laboratory testing” and inserting in lieu thereof “specified sampling, laboratory testing, and similar technical functions”; and
 - (2) adding at the end of subsection (e) a new sentence as follows: “The Administrator may compensate such personnel at any rate within the appropriate grade of the General Schedule as the Administrator deems necessary without regard to section 5333 of title 5 of the United States Code.”.
- Compensation.
- 7 USC 87.
- (h) Section 11 is amended by—
- (1) inserting “official weighing or” immediately before “supervision of weighing” in paragraph (3) of subsection (b) ;
 - (2) in the first sentence of paragraph (5) of subsection (b), inserting “official weighing or” immediately before “supervision of weighing except”, and inserting “director,” immediately before “officer, employee,”; and

- (3) inserting “or State agency delegated authority under this Act” immediately after “official agency” in subsection (c).
- (i) Section 12 is amended by— 7 USC 87a.
- (1) inserting “, every State agency delegated authority under this Act,” immediately after “official agency” wherever this phrase appears in subsections (a), (b), and (c); and
- (2) striking out “delegate authority of this Act” in subsection (c) and inserting in lieu thereof “delegated authority under this Act”.
- (j) Section 13(a) is amended by— 7 USC 87b.
- (1) inserting “, or that any weighing service under this Act has been performed with respect to grain” immediately before the semicolon at the end of paragraph (6);
- (2) striking out in paragraph (11) “5, 6, 7(f) (2), 7A, 7B(c), 8, 11, or 12” and inserting in lieu thereof “5; 6; 7(f) (2), (3), or (4); 7A; 7B(c); 8; 11; 12; or 17A”;
- (3) striking out “testing” in paragraph (12) and inserting in lieu thereof “weighing”; and
- (4) in paragraph (13), striking out “the grain” and inserting in lieu thereof “grain”, and inserting “the” immediately after “observing the loading of”.
- (k) Section 16 is amended by— Rules and regulations. 7 USC 87e.
- (1) striking out, in subsection (a), the second sentence and all that follows “or other person;” in the first sentence down through “by the Administrator.” and inserting in lieu thereof the following: “and prescribe such rules, regulations, and instructions, as the Administrator deems necessary to effectuate the purposes or provisions of this Act. Such regulations may require, as a condition for official inspection or official weighing or supervision of weighing, among other things, (1) that there be installed specified sampling, handling, weighing, and monitoring equipment in grain elevators, warehouses, and other grain storage or handling facilities, (2) that approval of the Administrator be obtained as to the condition of vessels and other carriers or receptacles for the transporting or storing of grain, and (3) that persons having a financial interest in the grain which is to be inspected (or their agents) shall be afforded an opportunity to observe the weighing, loading, and official inspection thereof, under conditions prescribed by the Administrator.”; and
- (2) striking out “additional” in subsection (f).
- (l) Section 17A is amended by striking out “All persons registered” in paragraph (1) of subsection (b) and inserting in lieu thereof “All persons required to register”. 7 USC 87f-1.
- (m) Section 17B is amended in clause (2) of subsection (b) by inserting “notwithstanding the provisions of section 812 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c-3),” immediately after “(2)” and inserting “notice of” immediately after “Administrator or the Secretary of”. 7 USC 87f-2.
- (n) Section 21 is amended by striking out “SEC. 21” and inserting in lieu thereof “SEC. 19”. 7 USC 87h.

STUDIES OF GRAIN INSPECTION AND WEIGHING; EFFECTIVE DATE

SEC. 1605. (a) Section 8(b) of the United States Grain Standards Act of 1976 (90 Stat. 2874) is amended by— 7 USC 79 note.

(1) inserting in paragraph (3) “(which may include the application of statistical tolerances for expected variations)” immediately after “error rates of such agencies”;

(2) striking out in paragraph (4) “eighteen months” and inserting in lieu thereof “thirty months”; and

(3) striking out in paragraph (5) “two years” and inserting in lieu thereof “three years”.

(b) Section 27 of the United States Grain Standards Act of 1976 (90 Stat. 2889) is amended by—

(1) striking out all that follows “SEC. 27.” down through “without a designation under the United States Grain Standards Act, as amended by this Act” and inserting in lieu thereof the following: “This Act shall become effective thirty days after enactment hereof; and thereafter no State or other agency or person shall provide official inspection or official weighing or supervision of weighing under the United States Grain Standards Act, as amended by this Act, at an export port location without a delegation of authority or other authorization under such amended Act, and no agency or person shall provide official inspection service or official weighing or supervision of weighing under such amended Act in any other area without a designation or other authorization under such amended Act”;

(2) inserting “or other authorization under such Act” immediately after “may continue to operate in that area without a delegation or designation”; and

(3) striking out “and export elevators located at export port locations” in clause (3).

Ante, p. 1025.
7 USC 74 note.
Effective date.

MISCELLANEOUS AMENDMENTS

SEC. 1606. The United States Grain Standards Act is further amended as follows:

7 USC 75.

(a) Section 3(i) is amended by striking out “or, upon request of the interested party applying for inspection, the quantity of sacks of grain,”.

7 USC 77.

(b) Section 5(a) is amended by inserting “or procedures” immediately after “standards” each place it appears therein.

7 USC 78.

(c) Section 6(a) is amended by striking out “factor information” and inserting in lieu thereof “criteria”.

7 USC 79.

(d) Section 7(b) is amended by striking out “or quantity of sacks of grain,”.

7 USC 79a.

(e) Section 7A is amended by inserting in subsections (a), (b), and (e) “or procedures” immediately after “standards”.

7 USC 84.

(f) Section 8(f) is amended by inserting “and weighing” immediately after “integrity of the official inspection”.

7 USC 87.

(g) Section 11(b)(4) is amended by inserting “or supervision of weighing” immediately after “official weighing”.

7 USC 87b.

(h) Section 13(a)(6) is amended by striking out “condition, or quantity” and inserting in lieu thereof “or condition”.

7 USC 87e,
87f-2.

(i) Sections 16(b) and 17B are amended by striking out “Committee on Agriculture and Forestry” each place these words appear therein and inserting in lieu thereof “Committee on Agriculture, Nutrition, and Forestry”.

(j) Section 17B(a) is amended by inserting “and weighing” immediately after “inspection”.

CONFORMING AMENDMENTS

SEC. 1607. The United States Grain Standards Act of 1976 (90 Stat. 2874 and 2890) is amended as follows:

7 USC 84.

(a) Section 8(b)(4) is amended by striking out "Committee on Agriculture and Forestry" and inserting in lieu thereof "Committee on Agriculture, Nutrition, and Forestry".

(b) Section 27 is amended by inserting "or" immediately after the semicolon at the end of clause (2).

Ante, pp. 1025, 1030.

7 USC 74 note.

RETENTION OF DESIGNATIONS FOLLOWING CONVICTIONS

SEC. 1608. Section 27 of the United States Grain Standards Act of 1976 (90 Stat. 2890) is amended by inserting immediately before the semicolon at the end of clause (2) the following: "*Provided*, That the Administrator may allow such affected agency or person to continue to operate in that area if the Administrator determines that such continued operations are necessary or desirable in carrying out the requirements of this Act: *Provided further*, That the Administrator shall, within 30 days after making such determination, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate detailing the factual bases for such determination".

Report to congressional committees.

TITLE XVII—WHEAT AND WHEAT FOODS RESEARCH AND NUTRITION EDUCATION ACT

Wheat and Wheat Foods Research and Nutrition Education Act.

SHORT TITLE

SEC. 1701. This title may be cited as the "Wheat and Wheat Foods Research and Nutrition Education Act".

7 USC 3401 note.

FINDINGS AND DECLARATION OF POLICY

SEC. 1702. (a) Wheat is basic to the American diet and the American economy. It is grown by thousands of farmers and consumed, in various forms, by millions of people in the United States.

7 USC 3401.

(b) The size of the American wheat crop and how it is marketed and ultimately consumed determines whether many Americans receive adequate nourishment. Wheat has a strong impact on the Nation's well-being. Additional research on the optimal use of wheat products can improve the American diet. Consumer education about the nutritional value and economic use of wheat products can enhance the national welfare.

(c) It has long been recognized that it is in the national interest to have a regular, adequate, and high quality wheat supply. It would be extremely difficult, without an effective coordinated research and nutrition education effort, to accomplish this objective. A programed effort of research and nutrition education is of great importance to wheat producers, processors, end product manufacturers, and consumers.

(d) It is the purpose of this title and in the public interest to authorize and enable the creation of an orderly procedure, adequately financed through an assessment, for the development and initiation of an effective and continuous coordinated program of research and nutrition education, designed to improve and enhance the quality, and make the most efficient use, of American wheat, processed wheat, and wheat end products to ensure an adequate diet for the people of the

United States. The maximum rate of assessment authorized hereunder represents an infinitesimal proportion of the overall cost of manufacturing wheat end products. Therefore, such assessment will not significantly affect the retail prices of those products. Furthermore, any price effect will be more than offset by the increased efficiency in end product manufacture and increased consumer acceptance, due to nutritional improvements in wheat products, which may be expected to follow from adoption of a plan under this title. Nothing in this title shall be construed to provide for control of production or otherwise limit the right of individual wheat producers to produce wheat.

DEFINITIONS

7 USC 3402.

SEC. 1703. For the purposes of this title:

(a) The term "wheat" means all classes of wheat grains grown in the United States.

(b) The term "processed wheat" means the wheat-derived content of any substance (such as cake mix or flour) produced for use as an ingredient of an end product by changing wheat grown within the United States in form or character by any mechanical, chemical, or other means.

(c) The term "end product" means any product which contains processed wheat as an ingredient and which is intended, as produced, for consumption as human food, notwithstanding any additional incidental preparation which may be necessary by the ultimate consumer.

(d) The term "wheat producer" means any person who grows wheat within the United States for market.

(e) The term "processor" means any person who commercially produces processed wheat within the United States.

(f) The term "end product manufacturer" means any person who commercially produces an end product within the United States, but such term shall not include such persons to the extent that they produce end products on the premises where such end products are to be consumed by an ultimate consumer, including, but not limited to, hotels, restaurants, and institutions, nor shall such term include persons who produce end products for their own personal, family, or household use.

(g) The term "research" means any type of research to advance the nutritional quality, marketability, production, or other qualities of wheat, processed wheat, or end products.

(h) The term "nutrition education" means any action to disseminate to the public information resulting from research concerning the economic value or nutritional benefits of wheat, processed wheat, and end products.

(i) The term "Council" means the Wheat Industry Council established pursuant to section 1706 of this title.

(j) The term "Department" means the United States Department of Agriculture.

(k) The term "Secretary" means the Secretary of Agriculture of the United States.

(l) The term "person" means any individual, partnership, corporation, association, or other entity.

(m) The term "United States" means the several States and the District of Columbia, including any territory or possession.

ISSUANCE OF ORDERS

SEC. 1704. (a) Whenever the Secretary has reason to believe that the issuance of an order will tend to effectuate the declared policy of this title, the Secretary shall give due notice and opportunity for hearing upon a proposed order. Such hearing may be requested and proposal for an order submitted by an organization certified pursuant to section 1714 of this title, or by any interested person affected by the provisions of this title, including the Secretary.

Notice and
hearing.
7 USC 3403.

(b) After notice and opportunity for hearing as provided in section 1704(a) of this title, the Secretary shall issue an order if the Secretary finds, and sets forth in such order, upon the evidence introduced at such hearing that the issuance of such order and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

PERMISSIVE TERMS IN ORDERS

SEC. 1705. Any order issued pursuant to this title shall contain one or more of the following terms and conditions, and, except as provided in section 1706 of this title, no others:

(a) providing for the establishment, issuance, effectuation, and administration of appropriate plans or projects for nutrition education, both within the United States and in international markets with respect to wheat, processed wheat, and end products, and for the disbursement of necessary funds for such purposes: *Provided*, That in carrying out any such plan or project, no reference to a private brand or trade name shall be made if the Secretary determines that such reference will result in undue discrimination against wheat, processed wheat, and end products of other persons: *Provided further*, That no such plans or projects shall make use of unfair or deceptive acts or practices in behalf of wheat, processed wheat, and end products or unfair or deceptive acts or practices with respect to quality, value, or use of any competing product;

Nutrition
education plans.
7 USC 3404.

(b) providing for the establishment and conduct of research or studies with respect to sale, distribution, marketing, utilization, or production of wheat, processed wheat, and end products and the creation of new products thereof to the end that the marketing and utilization of wheat, processed wheat, and end products may be encouraged, expanded, improved, or made more acceptable, and for the disbursement of necessary funds for such purposes;

Research and
studies.

(c) providing that processors, distributors of processed wheat, and end product manufacturers shall maintain and make available for inspection by the Secretary or the Council such books and records as may be required by any order issued pursuant to this title and for the filing of reports by such persons at the time, in the manner, and having the content prescribed by the order, to the end that information shall be made available to the Council and to the Secretary which are appropriate or necessary to the effectuation, administration, or enforcement of this title, or of any order or regulation issued pursuant to this title: *Provided*, That all information so obtained shall be kept confidential by all officers and employees of the Department, the Council, and by all officers and employees of contracting agencies having access to such information, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving the order

Records and
reports.

Confidential
information.

with reference to which the information so to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit (1) the issuance of general statements based upon the reports of the number of persons subject to an order or statistical data collected therefrom, which statements do not identify the information furnished by any person, (2) the publication, by direction of the Secretary, of general statements relating to refunds made by the Council during any specific period, or (3) the publication by direction of the Secretary of the name of any person who has been adjudged to have violated any order, together with a statement of the particular provisions of the order violated by such person. Any such officer or employee of the Department, the Council, or a contracting agency violating the provisions of this clause shall, upon conviction, be subject to a fine of not more than \$1,000 or to imprisonment for not more than one year, or both, and if an officer or employee of the Council or Department shall be removed from office;

Penalty.

Assessment
exemption.

(d) providing for exemption of specified end products, or types or categories thereof, from the assessments required to be paid under section 1706 of this title under such conditions and procedures as may be prescribed in the order or rules and regulations issued thereunder; and

(e) terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such order.

REQUIRED TERMS IN ORDERS

7 USC 3405.

SEC. 1706. Any order issued pursuant to this title shall contain such terms and conditions as to provide—

Wheat Industry
Council,
establishment
and powers.

(a) for the establishment and appointment by the Secretary of a Wheat Industry Council which shall consist of not more than twenty members and alternates therefor, and for the definition of its powers and duties which shall include only the powers enumerated in this section, and shall specifically include the powers to (1) administer such order in accordance with its terms and provisions, (2) make rules and regulations to effectuate the terms and provisions of such order, (3) receive, investigate, and report to the Secretary complaints of violations of such order, and (4) recommend to the Secretary amendments to such order. The term of an appointment to the Council shall be for two years with no member serving more than three consecutive terms, except that initial appointments shall be proportionately for two-year and three-year terms;

Term.

Membership.

(b) that the Council and alternates therefor shall be composed of wheat producers or representatives of wheat producers, processors or representatives of processors, end product manufacturers or representatives of end product manufacturers, and consumers or representatives of consumers appointed by the Secretary from nominations submitted by eligible organizations or associations certified pursuant to section 1714 of this title, or, if the Secretary determines that a substantial number of wheat producers, processors, end product manufacturers, or consumers are not members of, or their interests are not represented by any such eligible organizations or associations then from nominations made by such wheat producers, processors, end product manufacturers, and consumers in the manner authorized by the Secretary, so that the representation of wheat producers, processors, end product manufacturers,

and consumers on the Council shall be equal: *Provided*, That in making such appointments, the Secretary shall take into account, to the extent practicable, the geographical distribution of wheat producers, processors, end product manufacturers, and consumers throughout the United States;

(c) that the Council shall, subject to the provisions of clause (g) of this section, develop and submit to the Secretary for approval any research plans or projects and nutrition education plans or projects resulting from research, and that any such plan or project must be approved by the Secretary before becoming effective;

Research and
nutrition
education plans.

(d) that the Council shall, subject to the provisions of clause (g) of this section, submit to the Secretary for approval budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of the order, including probable costs of research and nutrition education projects;

Budgets,
submittal to
Secretary of
Agriculture.

(e) that, except as provided in sections 1705(d) and 1707 of this title, each end product manufacturer shall pay to the Council, pursuant to regulations issued under the order, an assessment based on the number of hundredweights of processed wheat purchased, including intra-company transfers of processed wheat, for use in the manufacture of end products, from processors, distributors, or (in the case of intra-company transfers) related companies or divisions of the same company. Such assessment shall be used for such expenses and expenditures defined above, including provisions for a reasonable reserve, and any referendum and administrative costs incurred by the Secretary and the Council under this title, as the Secretary finds are reasonable and likely to be incurred under the order during any period specified by the Secretary. The circumstances under which such a purchase or intra-company transfer will be deemed to have occurred will be prescribed by the Secretary in the order. Such assessment shall be calculated and set aside on the books and records of the end product manufacturer at the time of each purchase or intra-company transfer of processed wheat, and shall be remitted to the Council in the manner prescribed by the order. In order to enable end product manufacturers to calculate the amount of processed wheat they have purchased, persons selling or transferring processed wheat in combination with other ingredients to such end product manufacturers for use in the manufacture of end products, shall disclose to such end product manufacturers, as prescribed by the Secretary in the order, the amount or proportion of processed wheat contained in such products. The rate of assessment shall not exceed five cents per hundredweight of processed wheat purchased or transferred. The Secretary may maintain a suit against any person subject to such assessment for the collection of such assessment, and the several district courts of the United States are hereby vested with jurisdiction to entertain such suits regardless of the amount in controversy;

End product
manufacturers,
processed wheat
assessment.

Assessment, rate
limitation.
Jurisdiction.

(f) that the Council shall maintain such books and records, which shall be available to the Secretary for inspection and audit, and prepare and submit such reports from time to time, to the Secretary as the Secretary may prescribe, and for appropriate accounting by the Council, with respect to the receipt and disbursement of all funds entrusted to it;

Record
maintenance.

(g) that the Council, with the approval of the Secretary, may enter into contracts or agreements for the development and con-

Contracts.

duct of the activities authorized under the order pursuant to terms and conditions specified in clauses (a) and (b) of section 1705 of this title and for the payment of the cost thereof with funds collected through the assessments pursuant to the order. Any such contract or agreement shall provide that the contractors shall develop and submit to the Council a plan or project together with a budget or budgets which shall show estimated costs to be incurred for such plan or project, and that any such plan or project shall become effective upon the approval of the Secretary, and further, shall provide that the contracting party shall keep accurate records of all of its transactions and make periodic reports to the Council of activities conducted and an accounting for funds received and expended, and such other reports as the Secretary may require;

Investment of
assessment
funds.

(h) that the Council, with the approval of the Secretary, may invest, pending disbursement pursuant to a plan or project, funds collected through assessments authorized under this title in, and only in, obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank which is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States;

Lobbying
restriction.

(i) that no funds collected by the Council under the order shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by clause (a) (4) of this section; and

Expenses,
reimbursement.

(j) that the Council members, and alternates therefor, shall serve without compensation, but shall be reimbursed for their reasonable expenses incurred in performing their duties as members of the Council.

EXEMPTION

7 USC 3406.
"Retail baker."

SEC. 1707. Any end product manufacturer who is a retail baker shall be exempt from the provisions of this title. For the purposes of this section, the term "retail baker" shall be deemed to include all end product manufacturers who sell end products directly to the ultimate consumer: *Provided*, That such term shall not include any end product manufacturer who derives less than 10 per centum of gross end product sales revenues from sales to ultimate consumers or who derives 10 per centum or more of gross food or food products sales revenues from the sale of such products manufactured or produced by others.

REQUIREMENT OF REFERENDUM

7 USC 3407.

SEC. 1708. The Secretary shall conduct a referendum as soon as practicable among end product manufacturers not exempt hereunder who, during a representative period preceding the date of the referendum, as determined by the Secretary, have been engaged in the manufacture of end products, for the purpose of ascertaining whether the issuance of an order is approved or favored by such manufacturers. Qualified end product manufacturers may register with the Secretary by mail to vote in such referendum during a period ending not less than thirty days prior to the date of the referendum. Within ten days thereafter, the Secretary shall determine which end product manufacturers are eligible to vote in such referendum and cause to be published the list of such eligible voters. The Secretary shall issue ballots to all such persons who have so registered and been declared eligible to vote. No

List of eligible
voters,
publication.

order issued pursuant to this title shall be effective unless the Secretary determines (1) that votes were cast by at least 50 per centum of such registered end product manufacturers, and (2) that the issuance of such order is approved or favored by not less than two-thirds of the end product manufacturers voting in such referendum or by a majority of the end product manufacturers voting in such referendum if such majority manufactured end products containing not less than two-thirds of the total processed wheat contained in all end products manufactured by those voting in the referendum, during the representative period defined by the Secretary: *Provided*, That at the time of the registration provided under this section each end product manufacturer so registering shall certify to the Secretary the amount of processed wheat contained in the end products manufactured by such end product manufacturer during such representative period. The Secretary shall be reimbursed from assessments collected by the Council for any expenses incurred for the conduct of the referendum. Eligible voter lists and ballots cast in the referendum shall be retained by the Secretary for a period of not less than twelve months after they are cast for audit and recount in the event the results of the referendum are challenged and either the Secretary or the courts determine a recount and retabulation of results is appropriate.

Processed wheat certification.

Voters lists and ballots, retention.

REFUND

SEC. 1709. (a) Subsequent to the approval by the Secretary of the annual budget of the Council or amendments thereto, a summary of such budget or amendments thereto, including a brief general description of the proposed research and nutrition education programs contemplated therein, shall be published in the Federal Register. All end product manufacturers not exempt hereunder shall have sixty days from the date of such publication within which to elect, under such conditions as the Secretary may prescribe, by so indicating to the Council in writing, by registered or certified mail, to reserve the right to seek refunds under subsection (b) of this section. Only those end product manufacturers who make such an election, under the described procedure, shall be eligible for refunds of assessments paid during the one-year period immediately following the expiration of such sixty-day period.

Publication in Federal Register.
7 USC 3408.

(b) Notwithstanding any other provision of this title, any end product manufacturer who has been subject to and has paid an assessment, but who has reserved the right, under subsection (a) of this section, to seek a refund, and who is not in favor of supporting the programs as provided for herein, shall have the right to demand and receive from the Council a refund of such assessment: *Provided*, That such demand shall be made by such end product manufacturer in accordance with regulations, and on a form and within a time period, prescribed by the Council and approved by the Secretary and upon submission of proof satisfactory to the Council that the end product manufacturer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand is received therefor.

Refund demands.

PETITION AND REVIEW

SEC. 1710. (a) Any person subject to any order may file a written petition with the Secretary, stating that any such order or any provision of such order or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or for an exemption therefrom. The petitioner shall thereupon be

7 USC 3409.

Hearing.

given an opportunity for a hearing upon such petition, in accordance with regulations issued by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

Review
jurisdiction.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling, provided a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering a copy of the complaint to the Secretary. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires.

ENFORCEMENT

Jurisdiction.
7 USC 3410.

SEC. 1711. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any order or regulation made or issued pursuant to this title. Any civil action authorized to be brought under this title shall be referred to the Attorney General for appropriate action: *Provided*, That nothing in this title shall be construed as requiring the Secretary to refer to the Attorney General minor violations of this title whenever the Secretary believes that the administration and enforcement of the program would be adequately served by suitable written notice or warning to any person committing such violation.

Penalty.

(b) Any end product manufacturer or other person who willfully violates any provision of any order issued by the Secretary under this title, or who willfully fails or refuses to remit any assessment or fee duly required thereunder, shall be liable to a penalty of not more than \$1,000 for each such offense which shall accrue to the United States and may be recovered in a civil suit brought by the United States.

(c) The remedies provided in subsections (a) and (b) of this section shall be in addition to, and not exclusive of, the remedies otherwise provided at law or in equity.

SUSPENSION AND TERMINATION OF ORDERS

7 USC 3411.

SEC. 1712. (a) The Secretary shall, whenever he finds that any order issued under this title, or any provision thereof, obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such order or such provision thereof.

Referendum.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 per centum or more of the number of end product manufacturers subject to the order, to determine whether such manufacturers favor the termination or suspension of the order, and the Secretary shall suspend or terminate such order within six months after the Secretary determines that suspension or termination of the order is approved or favored by a majority of the end product manufacturers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the manufacture of end products or by end product manufacturers who produced end products con-

taining more than 50 per centum of the total processed wheat contained in all end products manufactured during such period by the end product manufacturers voting in the referendum.

(c) The termination or suspension of any order, or any provision thereof, shall not be considered an order within the meaning of this title.

INVESTIGATIONS: POWER TO SUBPENA AND TAKE OATHS AND
AFFIRMATIONS: AID OF COURTS

SEC. 1713. The Secretary may make such investigations as the Secretary deems necessary for the effective administration of this title or to determine whether any person subject to the provisions of this title has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provisions of this title, or of any order, or rule or regulation issued under this title. For the purpose of such investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever such person may be found.

7 USC 3412.

CERTIFICATION OF ORGANIZATIONS

SEC. 1714. The eligibility of any organization to represent wheat producers, processors, end product manufacturers, or consumers to request the issuance of an order under section 1704(a) of this title and to participate in the making of nominations under section 1706 (b) of this title, shall be certified by the Secretary. The Secretary shall certify any organization which the Secretary finds to be eligible under this section and the Secretary's determination as to eligibility shall be final. Certification shall be based, in addition to other available information, upon a factual report submitted by the organization which shall contain information deemed relevant and specified by the Secretary for the making of such determination, including, but not limited to, the following:

7 USC 3413.

Report.

(a) geographic territory covered by the organization's active membership,

(b) nature and size of the organization's active membership, including, in the case of an organization other than a consumer organization, the proportion of the total number of active wheat producers, processors, or end product manufacturers represented by the organization,

Non-consumer
organization,
primary
eligibility
consideration.

Consumer
organization,
primary
eligibility
consideration.

(c) evidence of stability and permanency of the organization,
(d) sources from which the organization's operating funds are derived,

(e) functions of the organization, and

(f) the organization's ability and willingness to further the aims and objectives of this title: *Provided*, That the primary consideration in determining the eligibility of an organization, other than a consumer organization, shall be whether its membership consists primarily of wheat producers, processors, or end product manufacturers who produce a substantial volume of wheat, processed wheat, or end products, respectively, and whether the organization is based on a primary or overriding interest in the production, processing, or end manufacture of wheat or wheat products, and the nutritional attributes thereof: *Provided further*, That the primary consideration in determining the eligibility of a consumer organization shall be whether (1) a principal purpose of the organization is to promote consumer interests, consumer research, or consumer education, (2) such organization has a broadly representative constituency of consumers, with active membership participation on a regular basis, and (3) the organization has demonstrated to the Secretary's satisfaction its commitment to the achievement of the objectives of this title.

EFFECT ON OTHER PROGRAMS

7 USC 3414. SEC. 1715. Nothing in this title shall be construed to preempt or interfere with the workings of any other program relating to wheat or wheat foods research or nutrition education organized and operating under the laws of the United States or any State.

REGULATIONS

7 USC 3415. SEC. 1716. The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this title.

PROVISIONS APPLICABLE TO AMENDMENTS

7 USC 3416. SEC. 1717. The provisions of this title applicable to orders shall be applicable to amendments to orders.

SEPARABILITY

7 USC 3401 note. SEC. 1718. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

7 USC 3417. SEC. 1719. There are hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated such funds as are necessary to carry out the provisions of this title. The funds so appropriated shall not be available for payment of the expenses or expenditures of the Council in administering any provisions of any order issued pursuant to the terms of this title.

TITLE XVIII—DEPARTMENT OF AGRICULTURE ADVISORY COMMITTEES

PURPOSES

SEC. 1801. The purposes of this title are to—

7 USC 2281.

- (1) require strict financial and program accounting by advisory committees of the Department of Agriculture;
- (2) assure balance and objectivity in the membership of such advisory committees; and
- (3) prevent the formation or continuation of unnecessary advisory committees by the Department of Agriculture.

DEFINITIONS

SEC. 1802. When used in this title—

7 USC 2282.

- (1) the term “Secretary” means the Secretary of Agriculture of the United States;
- (2) the term “Department of Agriculture” means the United States Department of Agriculture; and
- (3) the term “advisory committee” means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof which is established or utilized by the Department of Agriculture in the interest of obtaining advice or recommendations for the President or the Department of Agriculture, except that such term excludes any committee which (A) is composed wholly of full-time officers or employees of the Federal Government, (B) is established by statute or reorganization plan, or (C) is established by the President.

ESTABLISHMENT OF ADVISORY COMMITTEES

SEC. 1803. No advisory committee shall be established by the Department of Agriculture unless the Secretary determines that—

7 USC 2283.

- (1) the advisory committee will serve an essential function;
- (2) the proposed membership for the advisory committee represents a balance of differing views;
- (3) the proposed work and goals of the advisory committee cannot be carried out by an existing advisory committee;
- (4) the proposed budget of the advisory committee reflects the reasonably anticipated costs of performing the function of the advisory committee; and
- (5) the establishment of the advisory committee is in the public interest.

ADDITIONAL DUTIES OF THE SECRETARY

SEC. 1804. In addition to any responsibilities which the Secretary has under the Federal Advisory Committee Act, as amended, or other provision of law with respect to advisory committees, the Secretary shall ensure that all advisory committees—

7 USC 2284.

5 USC app. 1.

- (1) comply with all provisions of law relating to advisory committees, including this title;
- (2) submit all reports and recommendations in written form;
- (3) retain a written record of any responses made by the Department of Agriculture to the recommendations of the advisory committees; and

(4) do not exceed their proposed budgets by 10 per centum or \$500, whichever is greater, without receiving prior approval for such additional expenditures from the Secretary as provided under section 1808 of this title.

MEMBERSHIP ON ADVISORY COMMITTEES

7 USC 2285.

SEC. 1805. (a) No person other than an officer or employee of the Department of Agriculture shall serve on an advisory committee for more than six consecutive years.

(b) No person shall simultaneously serve on more than one advisory committee unless authorized by the Secretary.

(c) All advisory committees shall, to the extent practicable, have—

(1) a balanced membership reflecting the differing views of the groups substantially affected by the matters to be considered by such advisory committees; and

(2) ethnic, racial, and sexual balance.

(d) Each member of an advisory committee shall use his or her full name and principal place of residence, and shall provide the Secretary with (1) the names of persons or companies by whom he or she is employed, (2) his or her principal occupation, and (3) his or her major sources of income. Such information shall be forwarded to the appropriate committees of Congress having legislative jurisdiction or oversight responsibility with respect to the agency within the Department of Agriculture which established the advisory committee, as part of the annual report provided for in section 1807 of this title.

(e) Not more than one officer or employee of any corporation or other entity, including all subsidiaries and affiliates thereof, shall serve on the same advisory committee at any one time, unless excepted by the Secretary.

ADVISORY COMMITTEE CHARTER REQUIREMENTS—OPERATING COSTS

7 USC 2286.

5 USC app. 1.

SEC. 1806. In addition to complying with other requirements of section 9(c)(G) of the Federal Advisory Committee Act, each advisory committee shall provide the following information to the Secretary when it files its charter—

(1) a statement that the estimate of annual operating costs developed pursuant to section 9(c)(G) of the Federal Advisory Committee Act is inclusive of all private and public moneys to be spent by or on behalf of the advisory committee; and

(2) specific estimates of—

(A) the amount of Federal funds that will be used annually to support directly or indirectly the operation of the advisory committee;

(B) the dollar value of the time and the expenses that will be incurred annually by Federal agencies and employees in assisting in the operation of the advisory committee;

(C) the travel expenses, including per diem or subsistence in lieu thereof, that will be incurred annually by advisory committee members and Department of Agriculture employees in attending meetings of the advisory committee, including travel performed in support of the advisory committee's operation; and

(D) all expenses that will be paid annually by sources outside the Government, including, but not limited to, expenses

borne by the committee members or other individuals, such as their employers, corporations, organizations, associations, or labor organizations.

ANNUAL REPORT

SEC. 1807. (a) In addition to the other requirements of section 10 of the Federal Advisory Committee Act, as amended, each advisory committee within the Department of Agriculture, including all advisory committees as defined in section 1802(3) of this title and all other advisory committees within the Department of Agriculture established by statute or reorganization plan or established by the President, shall prepare, at least annually, a written report which shall contain—

7 USC 2287.
5 USC app. 1.

(1) a description of all recommendations and suggestions it has provided to any executive department, agency, or other authority of the United States, or any State, or any individual during the immediately preceding year;

(2) a description of the response it has made during the immediately preceding year to specific recommendations and suggestions from any executive department, agency, or other authority of the United States, or any State, or any individual;

(3) an itemization, in detail, of all costs incurred by it during the immediately preceding year, including, but not limited to—

Itemized costs.

(A) public money spent on transportation for advisory committee members and other Department of Agriculture employees engaged in the business of the advisory committee, including individuals who are not members of the advisory committee;

(B) per diem allowances for temporary duty expenses for advisory committee members and for Department of Agriculture employees engaged in the work of the advisory committee who are not members of the advisory committee;

(C) salaries and consultant fees paid to the advisory committee members, guest presenters, or other advisors or assistants to the advisory committee at meetings of the advisory committee;

(D) the value of Department of Agriculture staff support time spent on the business of the advisory committee;

(E) the cost of leasing, renting, or purchasing equipment, meeting rooms, and supplies for the advisory committee;

(F) any additional cost involved in meetings of the advisory committee, including receptions, luncheons, dinners, and entertainment;

(G) miscellaneous expenses, with a separate category for any major expense item peculiar to the advisory committee; and

(H) such other expenses or cost items as may be relevant to full disclosure of the costs of operating the advisory committee; and

(4) a list of the members of the advisory committee and, where applicable, the background information on each member required to be submitted under section 1805 of this title.

(b) The report required by this section shall be transmitted to the Secretary, the appropriate committees of Congress having legislative jurisdiction or oversight with respect to the agency within the Depart-

Transmittal to Secretary and congressional committees.

ment of Agriculture which established the advisory committee, and the Library of Congress. A copy of such report shall also be available at the central location of each such advisory committee's files.

BUDGET PROHIBITIONS

7 USC 2288.

SEC. 1808. (a) No advisory committee shall expend funds in excess of its estimated annual operating costs by more than 10 per centum or \$500, whichever is greater, unless it files a request therefor with the Secretary prior to any such expenditure which shall specify the use to which such funds will be put together with a comprehensive explanation as to why such expenditures were not known at the time of the annual estimate of operating costs, and the Secretary approves such request.

(b) The Secretary shall not approve the release of any funds under the Secretary's control to an advisory committee for any such overrun expenditure unless the Secretary finds that such funds are essential to the performance of the advisory committee's mission and the need for such funds could not have been reasonably anticipated.

TERMINATION OF ADVISORY COMMITTEES

7 USC 2289.

SEC. 1809. (a) The Secretary shall terminate any advisory committee upon a finding that any such advisory committee—

(1) has expended funds in excess of its estimated annual operating costs by more than 10 per centum or \$500, whichever is greater, without having obtained the prior approval of the Secretary pursuant to the provisions of section 1808 of this title;

(2) has failed to file in a timely manner all reports required under the provisions of the Federal Advisory Committee Act, as amended, or this title;

5 USC app. 1.

(3) has failed to meet for two consecutive years;

(4) has failed to issue any written reports other than reports required under the Federal Advisory Committee Act, as amended, and this title for two consecutive years;

(5) has failed to comply with any provision of the Federal Advisory Committee Act, as amended, or this title;

(6) is responsible for functions which otherwise would be or should be performed by Federal employees; or

(7) does not serve or has ceased to serve an essential public function.

5 USC app. 1.

(b) Any advisory committee terminated under the provisions of this section may be reestablished only under the procedures set out in section 9 of the Federal Advisory Committee Act. If an advisory committee terminated under the provisions of this section is reestablished, all records, reports, and the complete files of such advisory committee so terminated shall be maintained together with the files of such reestablished advisory committee.

TITLE XIX—EFFECTIVE DATE

Sec. 1901. Except as otherwise provided herein, the provisions of this Act shall become effective October 1, 1977. 7 USC 1307 note.

Approved September 29, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-348 accompanying H.R. 7171 (Comm. on Agriculture) and No. 95-599 (Comm. of Conference).

SENATE REPORTS: No. 95-180 (Comm. on Agriculture, Nutrition, and Forestry) and No. 95-418 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 23, 24, considered and passed Senate.

July 20-22, 25-28, considered and passed House, amended, in lieu of H.R. 7171.

Sept. 9, Senate agreed to conference report.

Sept. 16, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 40:

Sept. 29, Presidential statement.

Public Law 95-114
95th Congress

An Act

Sept. 30, 1977

[S. 1731]

Extending the special pay provisions for physicians and dentists in the uniformed services and reinstating the special pay provisions for optometrists and veterinarians in the uniformed services.

Uniformed
services.
Medical officers,
special pay
provisions,
extension and
reinstatement.
37 USC 302 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of May 6, 1974, Public Law 93-274, as amended (90 Stat. 926), is amended by striking out "September 30, 1977" and inserting in place thereof "September 30, 1978".

SEC. 2. (a) Section 302a of title 37, United States Code, is amended to read as follows:

"§ 302a. Special pay: optometrists

"(a) In addition to any other basic pay, special pay, incentive pay, or allowances to which he is entitled, each of the following officers is entitled to special pay at the rate of \$100 a month for each month of active duty beginning on or after October 1, 1977:

"(1) a commissioned officer—

"(A) of the Regular Army, Regular Navy, or Regular Air Force who is designated as an optometry officer, or

"(B) who is an optometry officer of the Regular Corps of the Public Health Service;

"(2) a commissioned officer—

"(A) of a Reserve component of the Army, Navy, or Air Force who is designated as an optometry officer; or

"(B) who is an optometry officer of the Reserve Corps of the Public Health Service,

who is on active duty as a result of a call or order to active duty for a period of at least one year; and

"(3) a general officer of the Army or the Air Force appointed, from any of the categories named in clause (1) or (2), in the Army, Air Force, or the National Guard, as the case may be.

"(b) The amount set forth in subsection (a) of this section may not be included in computing the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay.

"(c) No special pay may be paid under this section for any month after September 1978."

SEC. 3. Section 303 of title 37, United States Code, is amended to read as follows:

"§ 303. Special pay: veterinarians

"(a) In addition to any other basic pay, special pay, incentive pay, or allowances to which he is entitled, each of the following officers is entitled to special pay at the rate of \$100 a month for each month of active duty beginning on or after October 1, 1977:

"(1) a commissioned officer—

"(A) of the Regular Army who is in the Veterinary Corps,

"(B) of the Regular Air Force who is designated as a veterinary officer, or

“(C) who is a veterinary officer of the Regular Corps of the Public Health Service;

“(2) a commissioned officer—

“(A) of a Reserve component of the Army who is in the Veterinary Corps of the Army,

“(B) of a Reserve component of the Air Force, of the Army or the Air Force without specification of component, or of the National Guard, who is designated as a veterinary officer of the Army or the Air Force, as the case may be, or

“(C) who is a veterinary officer of the Reserve Corps of the Public Health Service,

who is on active duty as a result of a call or order to active duty for a period of at least one year; and

“(3) a general officer of the Army or the Air Force appointed, from any of the categories named in clause (1) or (2) of this subsection, in the Army, the Air Force, or the National Guard, as the case may be.

“(b) The amount set forth in subsection (a) of this section may not be included in computing the amount of an increase in pay authorized in any other provision of this title or in computing retired pay or severance pay.

“(c) No special pay may be paid under this section for any month after September 1978.”

SEC. 4. The amendments made by sections 2 and 3 of this Act become effective on October 1, 1977.

Effective date.
37 USC 302a
note.

Approved September 30, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-479 accompanying H.R. 8011 (Comm. on Armed Services).

SENATE REPORT No. 95-400 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Sept. 9, considered and passed Senate.

Sept. 19, considered and passed House.

Public Law 95-115
95th Congress

An Act

Oct. 3, 1977

[H.R. 6111]

To amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

Juvenile Justice
Amendments of
1977.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

42 USC 5601
note.

SECTION 1. This Act may be cited as the "Juvenile Justice Amendments of 1977".

DEFINITION OF JUVENILE DELINQUENCY PROGRAMS

42 USC 5603.

SEC. 2. Section 103(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (hereinafter in this Act referred to as the "Act") is amended by striking out "who are in danger of becoming delinquent" and inserting in lieu thereof "to help prevent delinquency".

JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

42 USC 5611.

SEC. 3. (a) (1) Section 201(a) of the Act is amended by adding at the end thereof the following new sentence: "The Administrator shall administer the provisions of this Act through the Office."

(2) Section 201(c) of the Act is amended by adding at the end thereof the following new sentence: "The Associate Administrator may be referred to as the Administrator of the Office of Juvenile Justice and Delinquency Prevention in connection with the performance of his functions as the head of the Office, except that any reference in this Act to the 'Administrator' shall not be construed as a reference to the Associate Administrator."

42 USC 5612,
5614, 5616,
5651, 5656.

(3) (A) The Act is amended by striking out "Assistant Administrator" and inserting in lieu thereof "Associate Administrator" in sections 201, 202(c), 204(i), 206(a)(1), 206(b), 241, 246, and any other place it appears therein.

42 USC 5618,
5633, 5653,
5656, 5659,
5660, 5661.

(B) The Act is amended by inserting "Associate" before "Administrator" in sections 208(b), 208(e), 223(a)(14), 223(a)(20), 223(a)(21), 243(4), 246, 248 (as so redesignated by section 5(e)(1)), 249 (as so redesignated by section 5(e)(1)), and section 250 (as so redesignated by section 5(e)(1)).

Powers of
Associate
Administrator.

(4) Section 201(d) of the Act is amended by adding at the end thereof the following new sentences: "The Associate Administrator is authorized, subject to the direction of the Administrator, to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under part B and part C of this title. The Administrator may delegate such authority to the Associate Administrator for all grants and contracts from, and applications for, funds made available under this part and funds made available for juvenile justice and delinquency prevention programs under the Omnibus Crime Control and

42 USC 5731,
5751.

Safe Streets Act of 1968, as amended. The Associate Administrator shall report directly to the Administrator.” 42 USC 3701 note.

(5) The Act is amended by striking out “Deputy Assistant Administrator” and inserting in lieu thereof “Deputy Associate Administrator” in sections 201(e), 206(a)(1), 246, and any other place it appears therein. 42 USC 5611, 5616, 5655, 5656.

(6) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

“(141) Associate Administrator, Office of Juvenile Justice and Delinquency Prevention of the Law Enforcement Assistance Administration.”.

(b) (1) Section 204(b) of the Act is amended— 42 USC 5614.

(A) by inserting “, with the assistance of the Associate Administrator,” after “the Administrator”; and

(B) by redesignating paragraph (7) as paragraph (6), and by striking out paragraph (5) and paragraph (6) and inserting in lieu thereof the following new paragraph:

“(5) develop annually with the assistance of the Advisory Committee and the Coordinating Council and submit to the President and the Congress, after the first year following the date of the enactment of the Juvenile Justice Amendments of 1977, prior to December 31, an analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs and a brief but precise comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system, which analysis and evaluation shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs; and”.

(2) Section 204(d)(1) of the Act is amended by inserting “Associate” before “Administrator” the second place it appears therein.

(3) Section 204(e) of the Act is amended by striking out “(6)” each place it appears therein and inserting in lieu thereof “(5)”.

(4) Section 204(f) of the Act is amended by inserting “Federal” after “appropriate authority,”.

(5) Section 204(g) of the Act is amended by striking out “part, except the making of regulations”, and inserting in lieu thereof “title”.

(6) Section 204(j) of the Act is amended by inserting “organization,” after “agency,” and by striking out “part” and inserting in lieu thereof “title”.

(7) Section 204(k) of the Act is amended by striking out “part” and inserting in lieu thereof “title” and by striking out “the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.)” and inserting in lieu thereof “title III of this Act”.

(8) Section 204(l)(1) of the Act is amended by inserting “Associate” before “Administrator” the second place it appears therein.

(c) Section 205 of the Act is amended by inserting immediately before the period at the end of the first sentence, the following: “when- Joint funding. 42 USC 5615.

ever the Associate Administrator finds the program or activity to be

exceptionally effective or for which the Associate Administrator finds exceptional need".

42 USC 5616. (d) (1) Section 206(a) (1) of the Act is amended by inserting after "the Director of the Office of Drug Abuse Policy," the following: "the Commissioner of the Office of Education, the Director of the ACTION Agency".

Federal agencies, programs and practices, review and report.

(2) Section 206(c) of the Act is amended by inserting at the end thereof the following new sentence: "The Council is authorized to review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of section 223(a) (12) (A) and (13) of this title."

Post, pp. 1053, 1054.

42 USC 5616.

(3) Section 206(d) of the Act is amended by striking out "six" and inserting in lieu thereof "four".

(4) Section 206(e) of the Act is amended—

(A) by striking out "(e)" and paragraphs (1) and (2);

(B) by striking out "(3) The Executive Secretary" and inserting in lieu thereof "(e) The Associate Administrator"; and

(C) by inserting "or staff support" after "personnel".

42 USC 5617.

(e) (1) Section 207(c) of the Act is amended by inserting "including youth workers involved with alternative youth programs and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities," after "community-based programs", and by inserting immediately before the period at the end thereof the following: "of whom at least three shall have been or shall currently be under the jurisdiction of the juvenile justice system".

(2) Section 207(d) of the Act is amended by adding at the end thereof the following new sentence: "Eleven members of the committee shall constitute a quorum."

42 USC 5618.

(f) (1) Section 208(b) of the Act is amended by inserting "the President, and the Congress" after "the Administrator".

(2) Section 208(c) of the Act is amended to read as follows:

"(c) The Chairman shall designate a subcommittee of members of the Advisory Committee to advise the Associate Administrator on particular functions or aspects of the work of the Office."

(3) Section 208(d) of the Act is amended by inserting "not less than" immediately after "subcommittee of".

(4) Section 208(e) of the Act is amended—

(A) by inserting "not less than" after "subcommittee of"; and

(B) by striking out "the Administration of".

(5) Section 208(f) of the Act is amended to read as follows:

"(f) The Chairman, with the approval of the Committee, shall request of the Associate Administrator such staff and other support as may be necessary to carry out the duties of the Advisory Committee."

(6) Section 208 of the Act is amended by adding at the end thereof the following new subsection:

"(g) The Associate Administrator shall provide such staff and other support as may be necessary to perform the duties of the Advisory Committee."

FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

42 USC 5631.

SEC. 4. (a) Section 221 of the Act is amended by striking out "local governments" and inserting in lieu thereof "units of general local government or combinations thereof", and by inserting "grants and" after "through".

(b) (1) The last sentence of section 222(a) of the Act is amended by striking out “\$200,000” and inserting in lieu thereof “\$225,000”, and by striking out “\$50,000” and inserting in lieu thereof “\$56,250”. Funds, allocation.
42 USC 5632.

(2) (A) The first sentence of section 222(c) of the Act is amended—
(i) by inserting “or for other pre-award activities associated with such State plan,” after “State plan”; and

(ii) by inserting immediately before the period at the end thereof the following: “, including monitoring and evaluation”.

(B) The second sentence of section 222(c) of the Act is amended—

(i) by striking out “15 per centum” and inserting in lieu thereof “7½ per centum”; and

(ii) by inserting immediately before the period at the end thereof the following: “, except that any amount expended or obligated by such State, or by units of general local government or any combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by such State, or by such units or combinations, from State or local funds, as the case may be”.

(C) Section 222 of the Act is amended by striking out subsection (d) thereof.

(D) The amendments made by this paragraph shall take effect on October 1, 1978.

Effective date.
42 USC 5632
note.

(3) The last sentence of section 222(c) of the Act is amended by striking out “local government” and inserting in lieu thereof “units of general local government or combinations thereof”.

(4) (A) Section 222 of the Act is amended by adding at the end thereof the following new subsection:

“(e) In accordance with regulations promulgated under this part, 5 per centum of the minimum annual allotment to any State under this part shall be available to assist the advisory group established under section 223(a) (3) of this Act.”.

Funds,
availability to
advisory group.
Infra.

(B) Effective on October 1, 1978, section 222(e) of the Act, as added by subparagraph (A), is redesignated as section 222(d) of the Act.

(c) (1) Section 223(a) (3) of the Act is amended—

42 USC 5633.

(A) by striking out the matter preceding “(A)” and inserting in lieu thereof the following: “provide for an advisory group appointed by the chief executive of the State to carry out the functions specified in subparagraph (F) and to participate in the development and review of the State’s juvenile justice plan prior to submission to the supervisory board for final action and”;

(B) in subparagraph (C) thereof, by inserting after “prevention or treatment programs;” the following: “business groups and businesses employing youth, youth workers involved with alternative youth programs, and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities;”;

(C) in subparagraph (D) thereof, by striking out “and” at the end thereof;

(D) in subparagraph (E) thereof, by striking out the semicolon at the end thereof and inserting in lieu thereof the following: “at least three of whom shall have been or shall currently be under the jurisdiction of the juvenile justice system; and”; and

(E) by inserting after subparagraph (E) the following new subparagraph: “(F) which (i) shall, consistent with this title, advise the State planning agency and its supervisory board;”

- (ii) may advise the Governor and the legislature on matters related to its functions, as requested; (iii) shall have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the State planning agency other than those subject to review by the State's judicial planning committee established pursuant to section 203 (c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, except that any such review and comment shall be made no later than 30 days after the submission of any such application to the advisory group; and (iv) may be given a role in monitoring State compliance with the requirements of paragraph (12)(A) and paragraph (13), in advising on State planning agency and regional planning unit supervisory board composition, in advising on the State's maintenance of effort under section 261(b) and section 520(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and in review of the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the comprehensive State plan;".
- 42 USC 3723. (2) Section 223(a)(4) of the Act is amended—
- (A) by striking out "local governments" the first place it appears therein and inserting in lieu thereof "units of general local government or combinations thereof"; and
- (B) by inserting immediately before the semicolon at the end thereof the following: ", except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group".
- 42 USC 5671, 3768. (3) (A) Section 223(a)(5) of the Act is amended to read as follows:
- "(5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66⅔ per centum of funds received by the State under section 222, other than funds made available to the State advisory group under section 222(e), shall be expended through—
- "(A) programs of units of general local government or combinations thereof, to the extent such programs are consistent with the State plan; and
- "(B) programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of general local government or combination thereof;".
- 42 USC 5632. Ante, p. 1051. (B) Effective October 1, 1978, section 223(a)(5) of the Act, as amended by subparagraph (A), is amended by striking out "section 222(e)" and inserting in lieu thereof "section 222(d)".
- Effective date. (4) Section 223(a)(6) of the Act is amended by striking out "local government" and inserting in lieu thereof "unit of general local government", and by inserting "or to a regional planning agency" after "local government's structure".
- (5) Section 223(a)(8) of the Act is amended by inserting before the semicolon at the end thereof a period and the following: "Programs and projects developed from the study may be funded under paragraph (10) provided that they meet the criteria for advanced technique programs as specified therein".

(6) (A) Section 223(a)(10) of the Act is amended—

42 USC 5633.

(i) by striking out the matter preceding subparagraph (A) and inserting in lieu thereof the following: “provide that not less than 75 per centum of the funds available to such State under section 222, other than funds made available to the State advisory group under section 222(e), whether expended directly by the State, by the unit of general local government or combination thereof, or through grants and contracts with public or private agencies, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to provide community-based alternatives to juvenile detention and correctional facilities, to encourage a diversity of alternatives within the juvenile justice system, and to establish and adopt juvenile justice standards. These advanced techniques include—”;

42 USC 5632.

Ante, p. 1051.

(ii) in subparagraph (A) thereof, by inserting after “health services,” the following: “twenty-four hour intake screening, volunteer and crisis home programs, day treatment, and home probation,”;

(iii) in subparagraph (C) thereof, by striking out “youth in danger of becoming delinquent” and inserting in lieu thereof “other youth to help prevent delinquency”;

(iv) by amending subparagraph (D) to read as follows:

“(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system;”;

(v) in subparagraph (G) thereof, by inserting “traditional youth” immediately after “reached by”;

(vi) in subparagraph (H) thereof, by striking out “that may include but are not limited to programs designed to” and inserting in lieu thereof “are designed to”; and

(vii) by adding at the end thereof the following new subparagraph:

“(I) programs and activities to establish and adopt, based on the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;”.

(B) Effective October 1, 1978, section 223(a)(10) of the Act, as amended by subparagraph (A), is amended by striking out “section 222(e)” and inserting in lieu thereof “section 222(d)”.

Effective date.
Supra.

(7) Section 223(a)(12) of the Act is amended to read as follows:

“(12) (A) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such nonoffenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities; and

Deinstitutionalization of juveniles.

“(B) provide that the State shall submit annual reports to the Associate Administrator containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles described in subparagraph (A) and a review of the progress made by the State to provide that such juveniles, if placed in facili-

Annual reports, submittal to Associate Administrator.

42 USC 5603.
State plans,
requirements.
42 USC 5633.
Ante, p. 1053.

Supra.

Reallocated
funds,
preference.

42 USC 5634.

42 USC 5634.

ties, are placed in facilities which (i) are the least restrictive alternatives appropriate to the needs of the child and the community; (ii) are in reasonable proximity to the family and the home communities of such juveniles; and (iii) provide the services described in section 103(1);”.

(8) Section 223(a)(13) of the Act is amended by inserting “and youths within the purview of paragraph (12)” immediately after “delinquent”.

(9) Section 223(a)(14) of the Act is amended by striking out “and” the first place it appears therein, by inserting “, and non-secure facilities” after “facilities” the second place it appears therein, and by striking out “section 223(12) and (13)” and inserting in lieu thereof “paragraph (12)(A) and paragraph (13)”.

(10) Section 223(a)(15) of the Act is amended by striking out “all”.

(11) Section 223(a)(19) of the Act is amended by striking out “, to the extent feasible and practical,”.

(12) Section 223(b) of the Act is amended by striking out “consultation with” and inserting in lieu thereof “receiving and considering the advice and recommendations of”.

(13) Section 223(c) of the Act is amended by adding at the end thereof the following new sentence: “Failure to achieve compliance with the subsection (a)(12)(A) requirement within the three-year time limitation shall terminate any State’s eligibility for funding under this subpart unless the Administrator, with the concurrence of the Associate Administrator, determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 per centum of such juveniles, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding two additional years.”.

(14) Section 223(d) of the Act is amended by inserting “chooses not to submit a plan,” after “State” the first place it appears therein, and by adding at the end thereof the following new sentence: “The Administrator shall endeavor to make such reallocated funds available on a preferential basis to programs in nonparticipating States under section 224(a)(2) and to those States that have achieved substantial or full compliance with the subsection (a)(12)(A) requirement within the initial three years of participation or have achieved full compliance within a reasonable time thereafter as provided by subsection (c).”.

(15) Section 223 of the Act is amended by striking out subsection (e) thereof.

(d)(1) Section 224(a)(3) of the Act is amended by inserting after “system” the following: “, including restitution projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents”.

(2) Section 224(a)(4) of the Act is amended by striking out all after “for delinquents” and inserting in lieu thereof “and other youth to help prevent delinquency;”.

(3) Section 224(a)(5) of the Act is amended by striking out “on Standards for Juvenile Justice” and by striking out “and” at the end thereof.

(4) Section 224(a)(6) of the Act is amended by inserting after “develop and implement” the following: “. in coordination with the Commissioner of Education.”, and by striking out the period at the end thereof and inserting in lieu thereof the following: “and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;”.

Ante, p. 1054.

(5) Section 224(a) of the Act is amended by adding at the end thereof the following new paragraphs:

“(7) develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system;

“(8) develop, implement, and support, in conjunction with the Secretary of Labor, other public and private agencies and organizations and business and industry programs for youth employment;

“(9) improve the juvenile justice system to conform to standards of due process;

“(10) develop and support programs designed to encourage and enable State legislatures to consider and further the purposes of this Act, both by amending State laws where necessary, and devoting greater resources to those purposes; and

“(11) develop and implement programs relating to juvenile delinquency and learning disabilities.”.

(6) Section 224(b) of the Act is amended to read as follows:

“(b) Twenty-five per centum of the funds appropriated for each fiscal year pursuant to this part shall be available only for special emphasis prevention and treatment grants and contracts made pursuant to this section.”.

Appropriated funds, limitation.

(7) Section 224(c) of the Act is amended by striking out “20” and inserting in lieu thereof “30”.

(e)(1) Section 225(c)(4) of the Act is amended by striking out all after “to delinquents” and inserting in lieu thereof “and other youth to help prevent delinquency;”.

Applications.
42 USC 5635.

(2) Section 225(c)(5) of the Act is amended by striking out “and” at the end thereof.

(3) Section 225(c)(6) of the Act is amended by striking out “on Standards for Juvenile Justice”, and by striking out the period at the end thereof and inserting in lieu thereof “; and”.

(f)(1) Section 227(a) of the Act is amended by striking out “State, public or private agency, institution, or individual (whether directly or through a State or local agency)” and inserting in lieu thereof “public or private agency, organization, institution, or individual (whether directly or through a State planning agency)”.

Funds, use.
42 USC 5637.

(2) Section 227(b) of the Act is amended by striking out “institution, or individual under this part (whether directly or through a State agency or local agency)” and inserting in lieu thereof “organization, institution, or individual under this title (whether directly or through a State planning agency)”.

(g)(1) Section 228(b) of the Act is amended by striking out “under this part” and inserting in lieu thereof “by the Law Enforcement Assistance Administration”.

Continuing financial assistance for programs.
42 USC 5638.

(2) Section 228(c) of the Act is amended to read as follows:

“(c) Whenever the Administrator determines that it will contribute to the purposes of part A or part C, he may require the recipient of any grant or contract to contribute money, facilities, or services.”.

Contributions.
42 USC 5611,
5651.

Ante, p. 1055.

(3) (A) Section 228 of the Act is amended by adding at the end thereof the following new subsections:

Ante, p. 1051.

“(e) Except as provided in the second sentence of section 222(c), financial assistance extended under the provisions of this title shall be 100 per centum of the approved costs of any program or activity.

Indian tribe.
Federal share,
increase.

“(f) In the case of a grant under this part to an Indian tribe or other aboriginal group, if the Administrator determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent he deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing any liability on Indian tribes, the Administrator is authorized to waive State liability and may pursue such legal remedies as are necessary.

State liability,
waiver.
Legal remedies.

Funds,
reallocation.

“(g) If the Administrator determines, on the basis of information available to him during any fiscal year, that a portion of the funds granted to an applicant under this part for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, that portion shall be available for reallocation under section 224 of this title.”.

42 USC 3757.

Ante, p. 1054.

Effective date.

42 USC 5638

note.

Nondisclosure.

(B) Section 228(e) of the Act, as added by subparagraph (A), shall take effect October 1, 1978.

(h) Part B of title II of the Act is amended by adding at the end thereof the following new section:

“CONFIDENTIALITY OF PROGRAM RECORDS

42 USC 5639.

“SEC. 229. Except as authorized by law, program records containing the identity of individual juveniles gathered for purposes pursuant to this title may not be disclosed except with the consent of the service recipient or legally authorized representative, or as may be necessary to perform the functions required by this title. Under no circumstances may project reports or findings available for public dissemination contain the actual names of individual service recipients.”.

NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

42 USC 5651.

SEC. 5. (a) (1) Section 241 of the Act is amended by striking out subsection (d) and subsection (e), and by redesignating subsection (f) and subsection (g) as subsection (d) and subsection (e), respectively.

(2) Section 241(e) (4) of the Act, as so redesignated by paragraph (1), is amended by inserting “make grants and” after “(4)”, and by striking out “and” at the end thereof.

(3) Section 241(e) of the Act, as so redesignated by paragraph (1), is amended by striking out the period at the end of paragraph (5) and inserting in lieu thereof “; and”, and by adding at the end thereof the following new paragraph:

Ante, p. 1051.

“(6) assist, through training, the advisory groups established pursuant to section 223(a) (3) or comparable public or private citizen groups in nonparticipating States in the accomplishment of their objectives consistent with this Act.”.

(4) The subsection designated as subsection (b) immediately following section 241(e) of the Act, as so redesignated by paragraph (1), is redesignated as subsection (f). *Ante*, p. 1056.

(5) Section 241(f) of the Act, as so redesignated by paragraph (4), is amended by striking out “subsection (g)(1)” and inserting in lieu thereof “subsection (e)(1)”.

(b) Section 243(5) of the Act is amended by inserting after “effective prevention and treatment” the following: “, such as assessments regarding the role of family violence, sexual abuse or exploitation and media violence in delinquency, the improper handling of youth placed in one State by another State, the possible ameliorating roles of recreation and the arts, and the extent to which youth in the juvenile system are treated differently on the basis of sex and the ramifications of such practices”. 42 USC 5653.

(c) Section 245 of the Act is amended to read as follows:

Duties.
42 USC 5655.

“INSTITUTE ADVISORY COMMITTEE

“SEC. 245. The Advisory Committee shall advise, consult with, and make recommendations to the Associate Administrator concerning the overall policy and operations of the Institute.”.

(d)(1) Section 247(a) of the Act is amended by striking out “on Standards for Juvenile Justice established in section 208(e)”.

Juvenile justice
system,
standards.
42 USC 5657.
Assistance.

(2) Section 247 of the Act is amended by adding at the end thereof the following new subsection:

“(d) Following the submission of its report under subsection (b) the Advisory Committee shall direct its efforts toward refinement of the recommended standards and may assist State and local governments and private agencies and organizations in the adoption of appropriate standards at State and local levels. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to develop and support model State legislation consistent with the mandates of this Act and the standards developed by Advisory Committee.”.

Model State
legislation,
development.

(e)(1) Part C of title II of the Act is amended by striking out section 248 and by redesignating section 249, section 250, and section 251, as section 248, section 249, and section 250, respectively.

42 USC
5658-5661.

(2)(A) Section 249 of the Act, as so redesignated by paragraph (1), is amended by striking out “section 249” and inserting in lieu thereof “section 248”.

(B) Section 250 of the Act, as so redesignated by paragraph (1), is amended by striking out “section 249” each place it appears therein and inserting in lieu thereof “section 248”.

(f) Section 241(d) of the Act, as so redesignated by subsection (a) (1), section 244(3) of the Act, and section 248(b) of the Act, as so redesignated by subsection (e), are amended by inserting after “lay personnel” the following: “, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations”. *Ante*, p. 1056.
42 USC USC
5654.

ADMINISTRATIVE PROVISIONS

SEC. 6. (a) The heading for part D of title II of the Act is amended to read as follows:

42 USC 5671 *et*
seq.

"PART D—ADMINISTRATIVE PROVISIONS".

Appropriation
authorization.
42 USC 5671.

(b) Section 261(a) of the Act is amended to read as follows:

"SEC. 261. (a) To carry out the purposes of this title there is authorized to be appropriated \$150,000,000 for the fiscal year ending September 30, 1978, \$175,000,000 for the fiscal year ending September 30, 1979, and \$200,000,000 for the fiscal year ending September 30, 1980. Funds appropriated for any fiscal year may remain available for obligation until expended."

42 USC 5672.

(c) Section 262 of the Act is amended to read as follows:

"APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

42 USC 3701.

"SEC. 262. The administrative provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968, designated as sections 501, 504, 507, 509, 510, 511, 516, 518(c), 521, and 524 (a) and (c) of such Act, are incorporated herein as administrative provisions applicable to this Act."

42 USC 3751,
3754, 3755,
3757, 3758,
3759, 3764,
3766, 3769,
3771.

(d) (1) Section 263(a) of the Act is amended by striking out "subsection (b)" and inserting in lieu thereof "subsections (b) and (c)".

(2) Section 263 of the Act is amended by adding at the end thereof the following new subsection:

42 USC 5601
note.

"(c) Except as otherwise provided by the Juvenile Justice Amendments of 1977, the amendments made by the Juvenile Justice Amendments of 1977 shall take effect on October 1, 1977."

Effective date.

RUNAWAY YOUTH

42 USC 5711.

SEC. 7. (a) (1) Section 311 of the Act is amended—

(A) by inserting in the first sentence "and short-term training" after "technical assistance" and by inserting "and coordinated networks of such agencies" after "agencies";

(B) by inserting "or otherwise homeless youth" immediately after "runaway youth" where it first appears and by striking out "runaway youth" in the third and fourth sentences and inserting in lieu thereof "such youth"; and

(C) by inserting "States," before "localities".

42 USC 5712.

(2) Section 312(b) (5) of the Act is amended by striking out "aftercase" and inserting in lieu thereof "aftercare".

(3) Section 312(b) (6) of the Act is amended by striking out "parental consent" and inserting in lieu thereof "the consent of the individual youth and parent or legal guardian".

42 USC 5713.

(4) Section 313 of the Act is amended by striking out "\$75,000" and "\$100,000" and inserting in lieu thereof "\$100,000" and "\$150,000", respectively.

(b) Part B of title III of the Act is amended to read as follows:

"PART B—RECORDS

"RECORDS

42 USC 5731.

"SEC. 321. Records containing the identity of individual youths pursuant to this Act may under no circumstances be disclosed or transferred to any individual or to any public or private agency."

(c) Title III of the Act is amended by redesigning part C as part D, by redesignating section 331 as section 341, and by inserting after part B the following new part: 42 USC 5751.

“PART C—REORGANIZATION

“REORGANIZATION PLAN

“SEC. 331. (a) After April 30, 1978, the President may submit to the Congress a reorganization plan which, subject to the provisions of subsection (b) of this section, shall take effect, if such reorganization plan is not disapproved by a resolution of either House of the Congress, in accordance with the provisions of, and the procedures established by chapter 9 of title 5, United States Code, except to the extent provided in this part. Submittal to Congress. 42 USC 5741. 5 USC 901 *et seq.*

“(b) A reorganization plan submitted in accordance with the provisions of subsection (a) shall provide—

“(1) for the establishment of an Office of Youth Assistance which shall be the principal agency for purposes of carrying out this title and which shall be established— Office of Youth Assistance.

“(A) within the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice; or

“(B) within the ACTION Agency;

“(2) that the transfer authorized by paragraph (1) shall be effective 30 days after the last date on which such transfer could be disapproved under chapter 9 of title 5, United States Code;

“(3) that property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions of the Office of Youth Development within the Department of Health, Education, and Welfare in the operation of functions pursuant to this title, shall be transferred to the Office of Youth Assistance within the Office of Juvenile Justice and Delinquency Prevention or within the ACTION Agency, as the case may be, and that all grants, applications for grants, contracts, and other agreements awarded or entered into by the Office of Youth Development shall continue in effect until modified, superseded, or revoked;

“(4) that all official actions taken by the Secretary of Health, Education, and Welfare, his designee, or any other person under the authority of this title which are in force on the effective date of such plan, and for which there is continuing authority under the provisions of this title, shall continue in full force and effect until modified, superseded, or revoked by the Associate Administrator for the office of Juvenile Justice and Delinquency Prevention or by the Director of the ACTION Agency, as the case may be, as appropriate; and

“(5) that references to the Office of Youth Development within the Department of Health, Education, and Welfare in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding shall, on and after such date, be deemed to refer to the Office of Youth Assistance within the Office of

Juvenile Justice and Delinquency Prevention or within the ACTION Agency, as the case may be, as appropriate.”.

Ante, p. 1059.

(d) (1) Section 341(a) of the Act, as so redesignated by subsection (c), is amended by inserting immediately before the period at the end thereof the following: “, and for each of the fiscal years ending September 30, 1978, 1979, and 1980, the sum of \$25,000,000”.

Consultation with
Attorney
General.
Coordination.

(2) Section 341(b) of the Act, as so redesignated by subsection (c), is amended to read as follows:

“(b) The Secretary (through the Office of Youth Development which shall administer this title) shall consult with the Attorney General (through the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this title with those related programs and activities funded under title II of this Act and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended.”.

Ante, p. 1048.
42 USC 3701
note.

AMENDMENTS TO TITLE 18, UNITED STATES CODE

SEC. 8. (a) Section 4351(b) of title 18, United States Code, is amended by striking out “Deputy Assistant Administrator for the National Institute for” and inserting in lieu thereof “Associate Administrator for the Office of”.

(b) Section 5038(a) of title 18, United States Code, is amended—

(1) by striking out “and” at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon and “and”; and

(3) by adding immediately after paragraph (5) the following:

“(6) inquiries from any victim of such juvenile delinquency, or if the victim is deceased from the immediate family of such victim, related to the final disposition of such juvenile by the court in accordance with section 5037.”.

AMENDMENTS TO OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

42 USC 3767. SEC. 9. (a) Section 519 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by inserting “, and to the Committee on Education and Labor of the House of Representatives,” immediately after “House of Representatives”; and

(2) by striking out “and” at the end of paragraph (10), by striking out the period at the end of paragraph (11) and inserting in lieu thereof “; and”, and by adding at the end thereof the following new paragraph:

“(12) a summary of State compliance with sections 223(a) (12)–(14) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, the maintenance of effort requirement under section 261(b) of such Act and section 520(b) of this Act, State planning agency and regional planning unit representation requirements as set forth in section 203 of this Act, and other areas of state activity in carrying out juvenile justice and delinquency prevention programs under the comprehensive State plan.”.

Ante, p. 1051.
42 USC 5671.
42 USC 3768.
42 USC 3723.

(b) Section 203(a)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new sentences: "The Chairman and at least two additional citizen members of any advisory group established pursuant to section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 shall be appointed to the State planning agency as members thereof. These individuals may be considered in meeting the general representation requirements of this section. Any executive committee of a State planning agency shall include in its membership the same proportion of advisory group members as the total number of such members bears to the total membership of the State planning agency."

State planning
agency,
membership.
42 USC 3723.

Ante, p. 1051.

TECHNICAL AMENDMENT

SEC. 10. The Act is amended by striking out title IV thereof.

Approved October 3, 1977.

42 USC
3811-3814,
3821, 3882,
3883, 3888,
3889.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-313 (Comm. on Education and Labor) and No. 95-542 (Comm. of Conference).

SENATE REPORTS: No. 95-165 accompanying S. 1021 (Comm. on the Judiciary) and No. 95-368 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 19, considered and passed House.

June 21, considered and passed Senate, amended, in lieu of S. 1021.

July 28, Senate agreed to conference report.

Sept. 23, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 41:

Oct. 3, Presidential statement.

Public Law 95-116
95th Congress

An Act

Oct. 3, 1977
[H.R. 6502]

To amend title 38 of the United States Code to provide an automobile assistance allowance and to provide automotive adaptive equipment to veterans of World War I.

Veterans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1901 of title 38, United States Code, is amended by striking out “on or after September 16, 1940” in clauses (A) and (B) of paragraph (1).

Effective date.
38 USC 1901
note.

(b) The amendment made by subsection (a) of this section shall become effective October 1, 1977.

Approved October 3, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-358 (Comm. on Veterans' Affairs).
SENATE REPORT No. 95-375 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 123 (1977):

May 23, considered and passed House.

Aug. 3, considered and passed Senate, amended.

Sept. 21, House concurred in Senate amendment.

Public Law 95-117
95th Congress

An Act

To amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for their survivors; and for other purposes.

Oct. 3, 1977

[H.R. 1862]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Veterans Disability Compensation and Survivor Benefits Act of 1977”.

Veterans
Disability
Compensation
and Survivor
Benefits Act of
1977.
38 USC. 101
note.

TITLE I—VETERANS DISABILITY COMPENSATION

SEC. 101. (a) Section 314 of title 38, United States Code, is amended by—

- (1) striking out in subsection (a) “\$38” and inserting in lieu thereof “\$41”;
- (2) striking out in subsection (b) “\$70” and inserting in lieu thereof “\$75”;
- (3) striking out in subsection (c) “\$106” and inserting in lieu thereof “\$113”;
- (4) striking out in subsection (d) “\$145” and inserting in lieu thereof “\$155”;
- (5) striking out in subsection (e) “\$203” and inserting in lieu thereof “\$216”;
- (6) striking out in subsection (f) “\$255” and inserting in lieu thereof “\$272”;
- (7) striking out in subsection (g) “\$302” and inserting in lieu thereof “\$322”;
- (8) striking out in subsection (h) “\$350” and inserting in lieu thereof “\$373”;
- (9) striking out in subsection (i) “\$393” and inserting in lieu thereof “\$419”;
- (10) striking out in subsection (j) “\$707” and inserting in lieu thereof “\$754”;
- (11) striking out in subsection (k) “\$879” and “\$1,231” and inserting in lieu thereof “\$937” and “\$1,312”, respectively;
- (12) striking out in subsection (l) “\$879” and inserting in lieu thereof “\$937”;
- (13) striking out in subsection (m) “\$968” and inserting in lieu thereof “\$1,032”;
- (14) striking out in subsection (n) “\$1,099” and inserting in lieu thereof “\$1,172”;
- (15) striking out in subsections (o) and (p) “\$1,231” each time it appears and inserting in lieu thereof “\$1,312”;
- (16) striking out in subsection (r) “\$528” and inserting in lieu thereof “\$563”; and
- (17) striking out in subsection (s) “\$791” and inserting in lieu thereof “\$843”.

(b) The Administrator of Veterans’ Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of

Disability
compensation,
adjustment.
38 USC 314 note.
38 USC note
prec. 101.

38 USC 301 *et*
seq.

compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 102. Section 315(1) of title 38, United States Code, is amended by—

- (1) striking out in subparagraph (A) “\$43” and inserting in lieu thereof “\$46”;
- (2) striking out in subparagraph (B) “\$72” and inserting in lieu thereof “\$77”;
- (3) striking out in subparagraph (C) “\$92” and inserting in lieu thereof “\$98”;
- (4) striking out in subparagraph (D) “\$113” and “\$21” and inserting in lieu thereof “\$120” and “\$22”, respectively;
- (5) striking out in subparagraph (E) “\$28” and inserting in lieu thereof “\$30”;
- (6) striking out in subparagraph (F) “\$49” and inserting in lieu thereof “\$52”;
- (7) striking out in subparagraph (G) “\$72” and “\$21” and inserting in lieu thereof “\$77” and “\$22”, respectively;
- (8) striking out in subparagraph (H) “\$35” and inserting in lieu thereof “\$37”;
- (9) striking out in subparagraph (I) “\$78” and inserting in lieu thereof “\$83”; and
- (10) striking out in subparagraph (J) “\$66” and inserting in lieu thereof “\$70”.

TITLE II—SURVIVORS DEPENDENCY AND INDEMNITY COMPENSATION

SEC. 201. Section 411 of title 38, United States Code, is amended to read as follows:

“§ 411. Dependency and indemnity compensation to a surviving spouse

“(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

“Pay grade	Monthly rate	Pay grade	Monthly rate
E-1 -----	\$277	W-4 -----	\$397
E-2 -----	286	O-1 -----	350
E-3 -----	293	O-2 -----	362
E-4 -----	311	O-3 -----	388
E-5 -----	320	O-4 -----	409
E-6 -----	327	O-5 -----	451
E-7 -----	343	O-6 -----	507
E-8 -----	362	O-7 -----	550
E-9 -----	¹ 378	O-8 -----	602
W-1 -----	350	O-9 -----	647
W-2 -----	364	O-10 -----	² 708
W-3 -----	375		

¹ If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by Sec. 402 of this title, the surviving spouse's rate shall be \$407.

² If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by Sec. 402 of this title, the surviving spouse's rate shall be \$759.

“(b) If there is a surviving spouse with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the surviving spouse shall be increased by \$33 for each such child.

“(c) The monthly rate of dependency and indemnity compensation payable to a surviving spouse shall be increased by \$83 if the spouse is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.”

Ill or
handicapped
spouse.

SEC. 202. Section 413 of title 38, United States Code, is amended to read as follows:

Children.

“Whenever there is no surviving spouse of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

“(1) one child, \$140;

“(2) two children, \$201;

“(3) three children, \$259; and

“(4) more than three children, \$259, plus \$52 for each child in excess of three.”

SEC. 203. Section 414 of title 38, United States Code, is amended by—

Children,
supplemental
compensation.

(1) striking out in subsection (a) “\$78” and inserting in lieu thereof “\$83”;

(2) striking out in subsection (b) “\$131” and inserting in lieu thereof “\$140”; and

(3) striking out in subsection (c) “\$67” and inserting in lieu thereof “\$71”.

TITLE III—CLOTHING ALLOWANCE

SEC. 301. Section 362 of title 38, United States Code, is amended by striking out “\$190” and inserting in lieu thereof “\$203”.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. Clause (3) of section 801 of title 38, United States Code, is amended to read as follows:

Veterans eligible
for assistance.

“(3) due to the loss or loss of use of one lower extremity together with (A) residuals of organic disease or injury, or (B) the loss or loss of use of one upper extremity, which so affect the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.”

SEC. 402. (a) Section 3020 of title 38, United States Code, is amended by adding at the end thereof the following new subsections:

Payment of
benefits,
delivery.

“(d) Notwithstanding subsection (a) of this section, pursuant to an agreement with the Department of the Treasury under which the Administrator certifies such benefits for payment, monetary benefits under laws administered by the Veterans’ Administration may be paid other than by check upon the written request of the person to whom such benefits are to be paid, if such noncheck payment is determined by the Administrator to be in the best interest of such payees and the management of monetary benefits programs by the Veterans’ Administration.

“(e) Whenever the first day of any calendar month falls on a Saturday, Sunday, or legal public holiday (as defined in section 6103 of title 5), the Administrator shall, to the maximum extent practicable, certify benefit payments for such month in such a way that such payments will be delivered by mail, or transmitted for credit to the payee’s account pursuant to subsection (d) of this section, on the Friday immediately preceding such Saturday or Sunday, or in the case of a

legal holiday, the weekday (other than Saturday) immediately preceding such legal public holiday, notwithstanding that such delivery or transmission of such payments is made in the same calendar month for which such payments are issued.”

(b) (1) The catchline of section 3020 of such title is amended to read as follows:

“§ 3020. Payment of benefits; delivery”.

(2) The table of sections at the beginning of such chapter is amended by striking out

“3020. Payment of benefits by check; delivery.”

and inserting in lieu thereof

“3020. Payment of benefits; delivery.”.

(c) The amendments made by this section shall be effective on the date of enactment of this Act.

SEC. 403. (a) Section 1820 of title 38, United States Code, is amended by inserting before the semicolon in clause (1) of subsection (a) a comma and “but nothing in this clause shall be construed as authorizing garnishment or attachment against the Administrator, the Veterans’ Administration, or any of its employees”.

(b) The amendment made by subsection (a) of this section shall be effective on the date of enactment of this Act.

Effective date.
38 USC 3020
note.
Garnishment.

Effective date.
38 USC 1820
note.

TITLE V—EFFECTIVE DATE PROVISIONS

38 USC 314 note.

SEC. 501. Except as otherwise provided in this Act, the amendments made by this Act to title 38, United States Code, shall become effective on October 1, 1977.

Approved October 3, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-356 (Comm. on Veterans’ Affairs).

SENATE REPORT No. 95-412 (Comm. on Veterans’ Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 23, considered and passed House.

Sept. 9, considered and passed Senate, amended.

Sept. 21, House agreed to Senate amendment with amendments; Senate agreed to House amendments.

Public Law 95-118
95th Congress

An Act

To provide for increased participation by the United States in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Asian Development Bank and the Asian Development Fund, and for other purposes.

Oct. 3, 1977

[H.R. 5262]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

International
financial
institutions.
U.S.
participation,
increase.

TITLE I—PURPOSE AND POLICY; DECLARATION OF CONGRESSIONAL INTENT IN RESPECT TO CONTINUED PARTICIPATION OF THE UNITED STATES GOVERNMENT IN INTERNATIONAL FINANCIAL INSTITUTIONS FOSTERING ECONOMIC DEVELOPMENT IN LESS DEVELOPED COUNTRIES

SEC. 101. (a) It is the sense of the Congress that—

22 USC 262c.

(1) for humanitarian, economic, and political reasons, it is in the national interest of the United States to assist in fostering economic development in the less developed countries of this world;

(2) the development-oriented international financial institutions have proved themselves capable of playing a significant role in assisting economic development by providing to less developed countries access to capital and technical assistance and soliciting from them maximum self-help and mutual cooperation;

(3) this has been achieved with minimal risk of financial loss to contributing countries;

(4) such institutions have proved to be an effective mechanism for sharing the burden among developed countries of stimulating economic development in the less developed world; and

(5) although continued United States participation in the international financial institutions is an important part of efforts by the United States to assist less developed countries, more of this burden should be shared by other developed countries. As a step in that direction, in future negotiations, the United States should work toward aggregate contributions to future replenishments to international financial institutions covered by this Act not to exceed 25 per centum.

(b) The Congress recognizes that economic development is a long-term process needing funding commitments to international financial institutions. It also notes that the availability of funds for the United States contribution to international financial institutions is subject to the appropriations process.

TITLE II—INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

SEC. 201. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is further amended by adding at the end thereof the following new section:

Capital stock
increase,
authorization.

22 USC 286e-1f.

“SEC. 27. (a) The United States Governor of the Bank is authorized—

“(1) to vote for an increase of seventy thousand shares in the authorized capital stock of the Bank; and

“(2) if such increase becomes effective, to subscribe on behalf of the United States to thirteen thousand and five additional shares of the capital stock of the Bank: *Provided, however,* That any subscription to additional shares shall be made only after the amount required for such subscription has been appropriated.

Appropriation
authorization.

“(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there are hereby authorized to be appropriated, without fiscal year limitation, \$1,568,856.318 for payment by the Secretary of the Treasury.”

TITLE III—INTERNATIONAL FINANCE CORPORATION

Capital stock
increase,
authorization.
22 USC 282i.

SEC. 301. The International Finance Corporation Act (22 U.S.C. 282 et seq.) is further amended by adding at the end thereof the following new section:

“SEC. 11. (a) The United States Governor of the Corporation is authorized—

“(1) to vote for an increase of five hundred and forty thousand shares in the authorized capital stock of the Corporation; and

“(2) if such increase becomes effective, to subscribe on behalf of the United States to one hundred and eleven thousand four hundred and ninety-three additional shares of the capital stock of the Corporation: *Provided, however,* That any commitment to make payment for such additional subscriptions shall be made subject to obtaining the necessary appropriations.

Appropriation
authorization.

“(b) In order to pay for the increase in the United States subscription to the Corporation provided for in this section, there are hereby authorized to be appropriated, without fiscal year limitation, \$111,493,000 for payment by the Secretary of the Treasury.”

TITLE IV—INTERNATIONAL DEVELOPMENT ASSOCIATION

Replenishment
payment,
authorization.
22 USC 284n.

SEC. 401. The International Development Association Act, as amended (22 U.S.C. 284 et seq.), is further amended by adding at the end thereof the following new section:

“SEC. 16. (a) The United States Governor is hereby authorized to agree on behalf of the United States to pay to the Association \$2,400,000,000 as the United States contribution to the fifth replenishment of the Resources of the Association: *Provided, however,* That any commitment to make such contributions shall be made subject to obtaining the necessary appropriations.

Appropriation
authorization.

“(b) In order to pay for the United States contribution provided for in this section, there are hereby authorized to be appropriated, without fiscal year limitation, \$2,400,000,000 for payment by the Secretary of the Treasury.”

TITLE V—ASIAN DEVELOPMENT BANK AND ASIAN DEVELOPMENT FUND

Additional capital
stock,
subscription
authorization.

SEC. 501. The Asian Development Bank Act, as amended (22 U.S.C. 285-285r), is further amended by adding at the end thereof the following new sections:

"Sec. 22. (a) The United States Governor of the Bank is authorized to subscribe on behalf of the United States to sixty-seven thousand and five hundred additional shares of the capital stock of the Bank: *Provided, however,* That any subscription to additional shares shall be made only after the amount required for such subscription has been appropriated. 22 USC 285s.

"(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there are hereby authorized to be appropriated without fiscal year limitation \$814,286,250 for payment by the Secretary of the Treasury. Appropriation authorization.

"Sec. 23. (a) The United States Governor of the Bank is hereby authorized to contribute on behalf of the United States \$180,000,000 to the Asian Development Fund, a special fund of the Bank: *Provided, however,* That any commitment to make such contribution shall be made subject to obtaining the necessary appropriations. Contribution authorization. 22 USC 285t.

"(b) In order to pay for the United States contribution to the Asian Development Fund provided for in this section, there are hereby authorized to be appropriated without fiscal year limitation \$180,000,000 for payment by the Secretary of the Treasury." Appropriation authorization.

TITLE VI—AFRICAN DEVELOPMENT FUND

SEC. 601. The African Development Fund Act (22 U.S.C. 290g-4(a)) is amended by adding the following new section: Contribution authorization.

"SEC. 212. (a) The United States Governor is hereby authorized to contribute on behalf of the United States \$50,000,000 to the African Development Fund, which would represent an additional United States contribution to the first replenishment. The Secretary of the Treasury is directed to begin discussions with other donor nations to the African Development Fund for the purpose of setting amounts and of reviewing and possibly changing the voting structure within the Fund: *Provided, however,* That any commitment to make such contribution shall be made subject to obtaining the necessary appropriations. 22 USC 290g-10.

"(b) In order to pay for the United States contribution to the African Development Fund provided for in this section there are authorized to be appropriated without fiscal year limitation \$50,000,000 for payment by the Secretary of the Treasury." Appropriation authorization.

TITLE VII—HUMAN RIGHTS

SEC. 701. (a) The United States Government, in connection with its voice and vote in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Fund, and the Asian Development Bank, shall advance the cause of human rights, including by seeking to channel assistance toward countries other than those whose governments engage in— Assistance policies. 22 USC 262d.

(1) a consistent pattern of gross violations of internationally recognized human rights, such as torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to life, liberty, and the security of person; or

(2) provide refuge to individuals committing acts of international terrorism by hijacking aircraft.

Executive
Directors, policy
considerations.

(b) Further, the Secretary of the Treasury shall instruct each Executive Director of the above institutions to consider in carrying out his duties:

(1) specific actions by either the executive branch or the Congress as a whole on individual bilateral assistance programs because of human rights considerations;

(2) the extent to which the economic assistance provided by the above institutions directly benefit the needy people in the recipient country;

(3) whether the recipient country has detonated a nuclear device or is not a State Party to the Treaty on Nonproliferation of Nuclear Weapons or both; and

(4) in relation to assistance for the Socialist Republic of Vietnam, the People's Democratic Republic of Laos, and Democratic Kampuchea (Cambodia), the responsiveness of the governments of such countries in providing a more substantial accounting of Americans missing in action.

Annual reports to
Speaker of the
House and
President of the
Senate.

(c) The Secretaries of State and Treasury shall report annually to the Speaker of the House of Representatives and the President of the Senate on the progress toward achieving the goals of this title, including the listing required in subsection (d).

(d) The United States Government, in connection with its voice and vote in the institutions listed in subsection (a), shall seek to channel assistance to projects which address basic human needs of the people of the recipient country. The annual report required under subsection (c) shall include a listing of categories of such assistance granted, with particular attention to categories that address basic human needs.

(e) In determining whether a country is in gross violation of internationally recognized human rights standards, as defined by the provisions of subsection (a), the United States Government shall give consideration to the extent of cooperation of such country in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations including, but not limited to, the International Committee of the Red Cross, Amnesty International, the International Commission of Jurists, and groups or persons acting under the authority of the United Nations or the Organization of American States.

Financial or
technical
assistance,
prohibition.

(f) The United States Executive Directors of the institutions listed in subsection (a) are authorized and instructed to oppose any loan, any extension of financial assistance, or any technical assistance to any country described in subsection (a) (1) or (2), unless such assistance is directed specifically to programs which serve the basic human needs of the citizens of such country.

Repeals.

SEC. 702. Section 28 of the Inter-American Development Bank Act, as amended (22 U.S.C. 283y), section 211 of the Act of May 31, 1976 (22 U.S.C. 290g-9), and section 15 of the International Development Association Act, as amended (22 U.S.C. 284m), are repealed.

Standard for
human needs and
protection of
human rights,
development.
22 USC 262c
note.

SEC. 703. (a) The Secretary of State and the Secretary of the Treasury shall initiate a wide consultation designed to develop a viable standard for the meeting of basic human needs and the protection of human rights and a mechanism for acting together to insure that the rewards of international economic cooperation are especially available to those who subscribe to such standards and are seen to be moving

toward making them effective in their own systems of governance.

(b) Not later than one year after the date of enactment of this Act, the Secretary of State and the Secretary of the Treasury shall report to the President of the Senate and the Speaker of the House of Representatives on the progress made in carrying out this section.

Sec. 704. The President shall direct the United States Executive Directors of such international financial institutions to take all appropriate actions to keep the salaries and benefits of the employees of such institutions to levels comparable to salaries and benefits of employees of private business and the United States Government in comparable positions.

Report to
President of the
Senate and
Speaker of the
House.
Salaries and
benefits,
comparability to
U.S.
22 USC 262e.

TITLE VIII—LIGHT CAPITAL TECHNOLOGY

Sec. 801. (a) The United States Government, in connection with its voice and vote in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Fund, and the Asian Development Bank, shall promote the development and utilization of light capital technologies, otherwise known as intermediate, appropriate, or village technologies, by such international institutions as major facets of their development strategies, with major emphasis on the production and conservation of energy through light capital technologies.

Development and
utilization.
22 USC 262f.

(b) The Secretary of the Treasury shall report to the Congress not later than six months after the date of enactment of this section and annually thereafter on the progress toward achieving the goals of this title. Each report shall include a separate and comprehensive discussion, with examples of specific projects and policies, of each institution's activity in light capital technologies and of United States efforts to carry out subsection (a) with respect to each institution.

Report to
Congress.

Contents.

TITLE IX—HUMAN NUTRITION IN DEVELOPING COUNTRIES

Sec. 901. (a) The Congress declares it to be the policy of the United States, in connection with its voice and vote in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Fund, the Asian Development Fund, and the Asian Development Bank, to combat hunger and malnutrition and to encourage economic development in the developing countries, with emphasis on assistance to those countries that are determined to improve their own agricultural production, by seeking to channel assistance for agriculturally related development to projects that would aid in fulfilling domestic food and nutrition needs and in alleviating hunger and malnutrition in the recipient country. The United States representatives to the institutions named in this section shall oppose any loan or other financial assistance for establishing or expanding production for export of palm oil, sugar, or citrus crops if such loan or assistance will cause injury to United States producers of the same, similar, or competing agricultural commodity.

Assistance
policies.
22 USC 262g.

(b) The Secretaries of State and Treasury shall report annually to the Speaker of the House of Representatives and the President of the Senate on the progress towards achieving the goals of this title.

Palm oil, sugar
and citrus crops,
U.S. producers,
protection.

Annual report to
Speaker of the
House and
President of the
Senate.

TITLE X—EFFECTIVE DATE

22 USC 282i
note.

Sec. 1001. This Act shall take effect on the date of its enactment, except that no funds authorized to be appropriated by any amendment contained in title II, III, IV, V, or VI may be available for use or obligation prior to October 1, 1977.

Approved October 3, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-154 (Comm. on Banking, Finance and Urban Affairs) and No. 95-544 (Comm. of Conference).

SENATE REPORTS: No. 95-159 (Comm. on Foreign Relations) and No. 95-363 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 6, considered and passed House.

June 14, considered and passed Senate, amended.

July 27, Senate agreed to conference report.

Sept. 16, House disagreed to conference report, receded and concurred in Senate amendment with an amendment.

Sept. 21, Senate concurred in House amendment.

Public Law 95-119
95th Congress

An Act

Making appropriations for the Department of Housing and Urban Development, and for sundry independent executive agencies, boards, bureaus, commissions, corporations, and offices for the fiscal year ending September 30, 1978, and for other purposes.

Oct. 4, 1977

[H.R. 7554]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Housing and Urban Development, and for sundry independent executive agencies, boards, bureaus, commissions, corporations, and offices for the fiscal year ending September 30, 1978, and for other purposes, namely:

Department of
Housing and
Urban
Development—
Independent
Agencies
Appropriation
Act, 1978.

TITLE I

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in annual appropriations acts, is increased by \$1,159,995,000 of which not more than \$42,500,000 shall be for the modernization of existing low-income housing projects: *Provided*, That budget authority obligated under such contracts shall be increased above amounts heretofore provided in annual appropriations acts by \$31,483,563,000: *Provided further*, That of the total herein provided, excluding funds for modernization, not less than \$206,250,000 shall be used only for contracts for annual contributions to assist in financing the development or acquisition of low-income housing projects to be owned by public housing agencies and shall be used only for projects on which construction or substantial rehabilitation is commenced after the effective date of this Act, except in the case of amendments to existing contracts: *Provided further*, That of the amount set forth in the second proviso, not less than 15 per centum shall be used only with respect to new construction in non-metropolitan areas: *Provided further*, That not more than \$82,000,000 shall be used only for contracts in excess of 30 years with State housing finance or development agencies as defined in section 802(b)(2)(A) of the Housing and Community Development Act of 1974: *Provided further*, That any balances of authorities remaining at the end of fiscal year 1977 shall be added to and merged with the authority provided herein and made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1978 except that unutilized balances of set-asides contained in previous appropriations

42 USC 1440.

acts to assist in financing the development or acquisition of low-income housing projects to be owned by public housing agencies other than under section 8 of the above Act shall remain in effect during fiscal year 1978.

HOUSING FOR THE ELDERLY OR HANDICAPPED

The limitation on the aggregate loans that may be made under section 202 of the Housing Act of 1959, as amended, from the fund authorized by subsection (a) (4) of such section, is hereby established for the fiscal year 1978 at \$750,000,000 in accordance with paragraph (C) of such subsection, which funds shall be available only to qualified nonprofit sponsors for the purpose of providing 100 per centum loans for the development of housing for the elderly or handicapped, with any cash equity or other financial commitments imposed as a condition of loan approval to be returned to the sponsor if sustaining occupancy is achieved in a reasonable period of time: *Provided*, That the full amount shall be available for permanent financing (including construction financing) for housing projects for the elderly or handicapped: *Provided further*, That the Secretary may borrow from the Secretary of the Treasury in such amounts as are necessary to provide the loans authorized herein: *Provided further*, That, notwithstanding any other provision of law, the receipts and disbursements of the aforesaid fund shall be included in the totals of the Budget of the United States Government.

HOUSING PAYMENTS

For the payment of annual contributions, not otherwise provided for, in accordance with section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c); for payments authorized by title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749 et seq.); for rent supplement payments authorized by section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. 1701s); for payments as authorized by sections 235 and 236, of the National Housing Act, as amended (12 U.S.C. 1715z, 1715z-1); and for payments as authorized by section 802 of the Housing and Community Development Act of 1974 (88 Stat. 633), \$4,382,000,000: *Provided*, That excess rental charges credited to the Secretary in accordance with section 236(g) of the National Housing Act, as amended, shall be available, in addition to amounts appropriated herein, for the payments on contracts entered into pursuant to the authorities enumerated above.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), \$685,000,000.

FEDERAL HOUSING ADMINISTRATION FUND

For reimbursement to the Federal Housing Administration Funds for losses incurred under the urban homesteading program (12 U.S.C. 1706e), \$15,000,000, to remain available until expended.

COLLEGE HOUSING—LOANS AND OTHER EXPENSES

The aggregate amount of commitments for loans made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749), for the fiscal year 1978 shall not exceed the total of loan repayments and other income available during such period, less operating costs.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SPECIAL ASSISTANCE FUNCTIONS

The aggregate amount of purchases and commitments authorized to be made pursuant to section 305 of the National Housing Act, as amended, out of recaptured Special Assistance Purchase authority may not exceed \$2,000,000,000. 12 USC 1720.

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations in assets of the Department of Housing and Urban Development (including the Government National Mortgage Association) authorized by the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended. 81 Stat. 341. 12 USC 1717. \$16,587,000.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grant program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. chapter 69), \$3,500,000,000, to remain available until September 30, 1980. 42 USC 5301.

For grants to units of general local government pursuant to section 103(b) of title I of the Housing and Community Development Act of 1974, as amended, \$100,000,000, to remain available until September 30, 1980. 42 USC 5303.

URBAN DEVELOPMENT ACTION GRANTS

For allocations and grants pursuant to section 103(c) of title I of the Housing and Community Development Act of 1974, as amended, \$400,000,000, to remain available until September 30, 1980.

COMPREHENSIVE PLANNING GRANTS

For comprehensive planning grants as authorized by section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), \$57,000,000, to remain available until expended.

REHABILITATION LOAN FUND

The aggregate amount of commitments for loans made from the fund for fiscal year 1978 shall not exceed the total of loan repayments and other income available during such period, less operating costs, which aggregate shall be augmented by any previously appropriated funds which would otherwise become unavailable after September 30, 1977.

FEDERAL INSURANCE ADMINISTRATION

FLOOD INSURANCE

42 USC 4001
note. For necessary expenses, not otherwise provided for in carrying out the National Flood Insurance Act of 1968, as amended (42 U.S.C. chap. 50), \$91,000,000.

NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS AND CONSUMER
PROTECTION

HOUSING COUNSELING ASSISTANCE

12 USC 1701x. For contracts, grants, and other assistance, not otherwise provided for, of providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii) and section 106(a)(2) of the Housing and Urban Development Act of 1968, as amended, \$5,000,000.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

49 USC 1608
note. For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$52,000,000, to remain available until September 30, 1979.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES, DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT (INCLUDING TRANSFER OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed \$2,500 for official reception and representation expenses, \$462,494,000, of which \$229,000,000 shall be provided from the various funds of the Federal Housing Administration.

FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

DISASTER RELIEF

For expenses necessary to carry out the functions of the Department of Housing and Urban Development under the Disaster Relief Act of 1970, as amended, the Disaster Relief Act of 1974, and Reorganization Plan No. 1 of 1973, authorizing assistance to States and local governments, \$150,000,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

42 USC 4401
note.
42 USC 5121
note.
50 USC app.
2271 note.

TITLE II

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchase and repair of uniforms for caretakers of national cemeteries and monuments, outside of the United States and its territories and possessions; not to exceed \$74,000 for expenses of travel; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries when required by law of such countries; \$6,463,000, of which \$300,000 shall remain available until expended: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

36 USC 121b.

36 USC 122.

36 USC 122a.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including rent in the District of Columbia and hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, and not to exceed \$800 for official reception and representation, \$39,144,000: *Provided*, That funds provided by this appropriation for laboratories shall be available only for the acquisition or conversion of existing laboratories.

5 USC 5332 note.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of maintenance, operation, and improvement of the cemetery at the Soldiers' and Airmen's Home and Arlington National Cemetery, including the purchase of one passenger motor vehicle, \$5,000,000, to remain available until expended: *Provided*, That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

ENVIRONMENTAL PROTECTION AGENCY

AGENCY AND REGIONAL MANAGEMENT

For agency and regional management expenses, including official reception and representation expenses (not to exceed \$2,500); hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; \$72,846,000.

5 USC 5332 note.

RESEARCH AND DEVELOPMENT

For research and development activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; \$272,547,000, to remain available for obligation until September 30, 1979.

ABATEMENT AND CONTROL

For abatement and control activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; to remain available for obligation until September 30, 1979, \$428,573,000.

ENFORCEMENT

For enforcement activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or

allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; \$70,837,000. 5 USC 5332 note.

CONSTRUCTION GRANTS

For liquidation of obligations incurred pursuant to authority contained in section 203 of the Federal Water Pollution Control Act, as amended, \$5,000,000,000, to remain available until expended. 33 USC 1283.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Environmental Protection Agency in the conduct of scientific activities overseas in connection with environmental pollution, as authorized by law, \$4,000,000, to remain available until expended: *Provided*, That this appropriation shall be available in addition to other appropriations to such Agency, for payments in the foregoing currencies.

ADMINISTRATIVE PROVISION

Not to exceed 7 per centum of any appropriation made available to the Environmental Protection Agency by this Act (except appropriations for "Construction Grants") may be transferred to any other such appropriation.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For expenses necessary for the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190) and the National Environmental Improvement Act of 1970 (Public Law 91-224), including official reception and representation expenses (not to exceed \$1,000), hire of passenger vehicles, and support of the Citizens' Advisory Committee on Environmental Quality, \$2,854,000. 42 USC 4321 note.
42 USC 4371 note.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For expenses necessary for the Office of Science and Technology Policy, to carry out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), including expenses for the President's Committee on Science and Technology, hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and rental of conference rooms in the District of Columbia, \$2,800,000.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109 and reimbursement for the Government Printing Office for distribution of free consumer information, \$4,700,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, \$1,750,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by law; and purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration, \$3,013,000,000, to remain available for obligation until September 30, 1979.

CONSTRUCTION OF FACILITIES

For construction, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, \$160,940,000, to remain available for obligation until September 30, 1980: *Provided*, That, notwithstanding the limitation on the availability of funds appropriated under this head by this appropriation Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in Government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); awards; hire, maintenance and operation of administrative aircraft; purchase (not to exceed twenty-seven for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of \$25,000 per project for construction of new facilities and additions to existing

facilities, and not in excess of \$50,000 per project for rehabilitation and modification of facilities; \$844,000,000: *Provided*, That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further*, That not to exceed \$25,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

NATIONAL INSTITUTE OF BUILDING SCIENCES

SALARIES AND EXPENSES

For necessary expenses of the National Institute of Building Sciences as authorized by section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j-2). \$1,000,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), title IX of the National Defense Education Act of 1958 (42 U.S.C. 1876-1879), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; hire of passenger motor vehicles; not to exceed \$5,000 for official reception and representation expenses; not to exceed \$47,825,000 for program development and management; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; \$783,200,000, to remain available until September 30, 1979: *Provided*, That not more than \$63,000,000 shall be available for Research Applied to National Needs: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers may be credited to this appropriation: *Provided further*, That if an institution of higher education receiving funds hereunder determines after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has, after the date of enactment of this Act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution, then the institution shall deny any further payment to, or for the benefit of, such individual: *Provided further*, That of the foregoing amounts, funds available to meet minima authorized by any other Act shall be available only to the extent such funds are not in excess of amounts provided herein: *Provided further*, That unless otherwise specified by this appropriation, the ratio of amounts made available under this Act for a program or minima to the amounts specified for a program or minima in any other Act, for the activity for which the limitation applies, shall not exceed the ratio that the total funds appropriated in this Act bear to the total funds authorized in such Act, for the activity for which the limitation applies.

Funds to campus
disrupters,
prohibition.

SCIENCE EDUCATION ACTIVITIES

For expenses necessary to carry out science education programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including award of graduate fellowships, services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia, and including \$4,500,000 for pre-college science teacher training seminars and \$1,500,000 for advanced teacher workshops, \$73,200,000: *Provided*, That of the foregoing amounts, funds available to meet minima authorized by any other Act shall be available only to the extent such funds are not in excess of amounts provided herein: *Provided, further*, That unless otherwise specified by this appropriation, the ratio of amounts made available under this Act for a program or minima to the amounts specified for a program or minima in any other Act, for the activity for which the limitation applies, shall not exceed the ratio that the total funds appropriated in this Act bear to the total funds authorized in such Act, for the activity for which the limitation applies.

SCIENTIFIC ACTIVITIES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for scientific activities, as authorized by law, \$4,900,000, to remain available until September 30, 1979: *Provided*, That this appropriation shall be available in addition to other appropriations to the National Science Foundation, for payments in the foregoing currencies.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

31 USC 665. For expenses necessary for the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101-4118) for civilian employees; and not to exceed \$1,000 for official reception and representation expenses; \$6,300,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

DEPARTMENT OF THE TREASURY

PAYMENTS TO STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE
TRUST FUND

For payments to the State and Local Government Fiscal Assistance Trust Fund, as authorized by the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221-1263), \$6,854,924,000.

ANTIRECESSION FINANCIAL ASSISTANCE FUND

For payments to State and local governments pursuant to title II of the Public Works Employment Act of 1976, as amended, \$1,400,000,000, to remain available until September 30, 1979. 42 USC 6701 note.

OFFICE OF REVENUE SHARING, SALARIES AND EXPENSES

For necessary expenses in the Office of Revenue Sharing, including the hire of passenger motor vehicles, \$7,500,000.

NEW YORK CITY SEASONAL FINANCING FUND, ADMINISTRATIVE EXPENSES

For necessary expenses in carrying out the administration of the New York City Seasonal Financing Act of 1975, as authorized by law (31 U.S.C. 1507(c)), \$1,150,000.

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For the payment of compensation, pensions, gratuities, and allowances, including burial awards, plot allowances, burial flags, headstones and grave markers, emergency and other officers' retirement pay, adjusted-service credits and certificates, and other benefits as authorized by law; and for payment of amounts of compromises or settlements under 28 U.S.C. 2672 and 2677 of tort claims potentially subject to the offset provisions of 38 U.S.C. 351, and for payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, \$9,116,800,000, to remain available until expended.

50 USC app. note prec. 540.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 31, 32, 34-36 and 39), \$2,665,225,000, to remain available until expended.

38 USC 801, 1501, 1651-1770, 1901.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, and service-disabled veterans insurance, \$2,465,000, to remain available until expended.

MEDICAL CARE

For expenses necessary for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans Administration, including care and treatment in facilities not under the jurisdiction of the Veterans Administration, and furnishing recreational facilities, supplies and equipment; funeral, burial and other expenses incidental thereto for beneficiaries receiving care in Veterans Administration facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or

allowance therefore as authorized by law (5 U.S.C. 5901-5902); and aid to State homes as authorized by law (38 U.S.C. 641); \$4,721,686,000, plus reimbursements: *Provided*, That allotments and transfers may be made from this appropriation to the Public Health Service of the Department of Health, Education, and Welfare, and the Army, Navy, and Air Force of the Department of Defense, for disbursements by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans Administration.

MEDICAL AND PROSTHETIC RESEARCH

For expenses necessary for carrying out programs of medical and prosthetic research and development, as authorized by law, to remain available until expended, \$107,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For expenses necessary for administration of the medical, hospital, domiciliary, construction and supply, research, employee education and training activities, as authorized by law, and for carrying out the provisions of section 5055, title 38, United States Code, relating to pilot programs and grants for exchange of medical information, \$42,000,000, plus reimbursements.

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Veterans Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed \$2,500 for official reception and representation expenses; cemeterial expenses as authorized by law, purchase of thirteen passenger motor vehicles, for use in cemeterial operations, and hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; \$550,000,000.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, or for any of the purposes set forth in sections 1004, 1006, 5001, 5002, 5004 and 5012 of title 38, United States Code, including planning, architectural and engineering services, and site acquisition, where the estimated cost of a project is \$1,000,000 or more, \$393,689,000, to remain available until expended: *Provided*, That none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, including planning, architectural and engineering services, and site acquisition, or for any of the purposes set forth in sections 1004, 1006, 5001, 5002, 5004, and 5012 of title 38, United States Code, where the estimated cost of a project is less than \$1,000,000, and for necessary expenses of the Office of Construction, \$94,106,00, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to construct State nursing home facilities and to remodel, modify or alter existing hospital and domiciliary facilities in State homes, for furnishing care to veterans, as authorized by law (38 U.S.C. 644 and 5031-5037), \$10,000,000, to remain available until September 30, 1980.

ASSISTANCE FOR HEALTH MANPOWER TRAINING INSTITUTIONS

For pilot programs for assistance in the establishment of new State medical schools, grants to affiliated medical schools, assistance to public and nonprofit institutions of higher learning, hospitals and other health manpower institutions affiliated with the Veterans Administration to increase the production of professional and other health personnel, and for expansion of Veterans Administration hospital education and training capacity as authorized by 38 U.S.C. chapter 82, \$45,611,000, to remain available until September 30, 1984.

38 USC 5070
et seq.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants as authorized by law (38 U.S.C. 631-634), \$1,700,000, of which \$50,000 for hospital equipment, plant, and facilities rehabilitation grants shall remain available until expended.

LOAN GUARANTY REVOLVING FUND

During the current fiscal year, the Loan guaranty revolving fund shall be available for expenses, but not to exceed \$575,000,000, for property acquisitions, payment of participation sales insufficiencies, and other loan guaranty and insurance operations under chapter 37, title 38, United States Code, except administrative expenses, as authorized by section 1824 of such title: *Provided*, That the unobligated balances including retained earnings of the Direct loan revolving fund shall be available, during the current fiscal year, for transfer to the Loan guaranty revolving fund in such amounts as may be necessary to provide for the timely payment of obligations of such fund and the Administrator of Veterans Affairs shall not be required to pay interest on amounts so transferred after the time of such transfer.

38 USC 1801
et seq.

SUPPLY FUND

For necessary expenses of the Supply fund pursuant to Public Law 85-857, as amended (38 U.S.C. 5011), \$20,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Not to exceed 5 per centum of any appropriation for the current fiscal year for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriations so augmented.

Funds, transfer.

Appropriations available to the Veterans Administration for the current fiscal year for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

Experts and
consultants.

No part of the appropriations in this Act for the Veterans Administration (except the appropriations for "Construction, major proj-

Hospital
construction,
limitation.

ects" and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans Affairs.

TITLE III

CORPORATIONS

31 USC 841 note. Corporations and agencies of the Department of Housing and Urban Development and the Federal Home Loan Bank Board which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency except as hereinafter provided: *Provided, That* collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriation Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

31 USC 849.

FEDERAL HOME LOAN BANK BOARD

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, FEDERAL HOME LOAN BANK BOARD

Not to exceed a total of \$16,730,000 shall be available for administrative expenses of the Federal Home Loan Bank Board, which may procure services as authorized by 5 U.S.C. 3109, and contracts for such services with one organization may be renewed annually, and uniforms or allowances therefor in accordance with law (5 U.S.C. 5901-5902), and said amount shall be derived from funds available to the Federal Home Loan Bank Board, including those in the Federal Home Loan Bank Board revolving fund and receipts of the Board for the current fiscal year and prior fiscal years, and the Board may utilize and may make payment for services and facilities of the Federal home loan banks, the Federal Reserve banks, the Federal Savings and Loan Insurance Corporation, the Federal Home Loan Mortgage Corporation, and other agencies of the Government (including payment for office space) : *Provided, That* all necessary expenses in connection with

the conservatorship or liquidation of institutions insured by the Federal Savings and Loan Insurance Corporation, liquidation or handling of assets of or derived from such insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of such insured institutions, or activities relating to section 5A(f) or 6(i) of the Federal Home Loan Bank Act, section 5(d) of the Home Owners' Loan Act of 1933, section 12(i) of the Securities Exchange Act of 1934, or section 406(c), 407, or 408 of the National Housing Act and all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the handling, including the purchase, sale, and exchange, of securities on behalf of Federal home loan banks, and the sale, issuance, and retirement of, or payment of interest on, debentures or bonds, under the Federal Home Loan Bank Act, as amended, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That members and alternates of the Federal Savings and Loan Advisory Council shall be entitled to reimbursement from the Board as approved by the Board for transportation expenses incurred in attendance at meetings of or concerned with the work of such Council and may be paid in lieu of subsistence per diem not to exceed the dollar amount set forth in 5 U.S.C. 5703: *Provided further*, That expenses of any functions of supervision (except of Federal home loan banks) vested in or exercisable by the Board shall be considered as nonadministrative expenses: *Provided further*, That not to exceed \$1,000 shall be available for official reception and representation expenses: *Provided further*, That notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of July 22, 1932, as amended (12 U.S.C. 1421-1449): *Provided further*, That the nonadministrative expenses (except such part as the Board determines not to be field expense, which part shall be treated as if expenses of supervision and examination were not as such excluded from administrative expense, and except those included in the first proviso hereof) for the supervision and examination of Federal and State chartered institutions (other than special examinations determined by the Board to be necessary) shall not exceed \$26,230,000.

12 USC 1425a,
1426.
12 USC 1464.
15 USC 78l.
12 USC
1729-1730a.

Travel expenses.
12 USC 1428a
note.

LIMITATION ON ADMINISTRATIVE EXPENSES. FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Not to exceed \$870,000 shall be available for administrative expenses, which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions or activities relating to section 406(c), 407, or 408 of the National Housing Act, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of insured institutions, legal fees and expenses and payments for expenses of the Federal Home Loan Bank Board determined by said Board to be properly allocable to said Corporation, and said Corporation may utilize and may make payments for services and facilities of the Federal home loan banks, the Federal Reserve Banks, the Federal Home Loan Bank Board, the Federal Home Loan Mortgage Corporation, and other agencies of the

Government: *Provided*, That notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed, and paid in accordance with title IV of the Act of June 27, 1934, as amended (12 U.S.C. 1724-1730f).

TITLE IV

GENERAL PROVISIONS

Travel expenses.

SEC. 401. Where appropriations in titles I and II of this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; or to payments to inter-agency motor pools where separately set forth in the budget schedules: *Provided further*, That the limitations may be increased by the Secretary when necessary to allow for travel performed by employees of the Department of Housing and Urban Development as a result of increased Federal Housing Administration inspection and appraisal workload.

Uniforms.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

Legal and banking services. 31 USC 841 note. 12 USC 1749a.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal home loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

Research projects.

SEC. 404. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals for projects not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

Fiscal year limitation.

SEC. 405. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Parking.

SEC. 406. No part of the funds appropriated under this Act may be used by the Environmental Protection Agency to administer or promulgate, directly or indirectly, any program to tax, limit or otherwise regulate parking that is not specifically required pursuant to subsequent legislation.

SEC. 407. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such an audit. Audit.

SEC. 408. No contract or budget authority provided in this Act for Annual Contributions for Assisted Housing, and no funds appropriated in this Act for Housing Payments, shall be subject to the Federal regulation defining the conditions under which two or more persons shall be eligible for admission to public housing as a family, which was promulgated by the Department of Housing and Urban Development on May 9, 1977, at 24 CFR § 812.2 (d) (1).

SEC. 409. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.

SEC. 410. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretary of the Department of Housing and Urban Development, who, under title 5, United States Code, section 101, is exempted from such limitations.

This Act may be cited as the “Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1978”.

5 USC 5332 note.
Certain
government
transportation,
prohibition.

Short title.

Approved October 4, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-380 (Comm. on Appropriations) and No. 95-495 (Comm. of Conference).

SENATE REPORT No. 95-280 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 15, considered and passed House.

June 24, considered and passed Senate, amended.

July 19, House agreed to conference report; concurred in certain Senate amendments with amendments.

July 22, Sept. 23, Senate agreed to conference report; concurred in certain House amendments with amendments; disagreed to Beard amendment.

Sept. 28, House receded and concurred in Senate amendment.

Public Law 95-120
95th Congress

An Act

Oct. 4, 1977

[H.R. 9290]

To increase the temporary debt limit, and for other purposes.

Public debt limit.
Temporary
increase.
31 USC 757b
note.

Repeal; effective
date.
31 USC 757b
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the period beginning on the date of the enactment of this Act and ending on March 31, 1978, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) shall be temporarily increased by \$352,000,000,000.

SEC. 2. Effective on the date of the enactment of this Act, the first section of the Act of June 30, 1976, entitled "An Act to increase the temporary debt limit, and for other purposes" (Public Law 94-334), is hereby repealed.

SEC. 3. The last sentence of the second paragraph of the first section of the Second Liberty Bond Act (31 U.S.C. 752) is amended by striking out "\$17,000,000,000" and inserting in lieu thereof "\$27,000,000,000".

Approved October 4, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-632 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Sept. 28, considered and passed House.

Sept. 30, considered and passed Senate, amended.

Oct. 4, House agreed to Senate amendments.

Public Law 95-121
95th Congress

An Act

To amend the Council on Wage and Price Stability Act to extend its termination date, and for other purposes.

Oct. 6, 1977

[H.R. 6951]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Council on Wage and Price Stability Act is amended by striking out "September 30, 1977" and inserting in lieu thereof "September 30, 1979".

Council on Wage and Price Stability Act, amendment.

SEC. 2. Section 6 of the Council on Wage and Price Stability Act is amended by inserting "not to exceed \$2,210,000 for the fiscal year ending September 30, 1978, and not to exceed \$2,210,000 for the fiscal year ending September 30, 1979," immediately after "October 1, 1977,".

12 USC 1904 note.

SEC. 3. Section 3(a) (5) of the Council on Wage and Price Stability Act is amended by inserting "and focus attention on the need to move toward full employment" immediately before the semicolon.

Appropriation authorization.

12 USC 1904 note.

SEC. 4. Section 3(a) (4) of the Council on Wage and Price Stability Act is amended by inserting "for the purpose of controlling inflation" immediately before the semicolon.

Council duties.
12 USC 1904 note.

SEC. 5. Subsection (a) of section 3 of the Council on Wage and Price Stability Act is amended—

- (1) by striking out "and" at the end of paragraph (7);
- (2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and"; and
- (3) by adding at the end thereof the following new paragraph:
"(9) review information about and analyze the effects on the United States economy of—

"(A) the participation of the United States in international trade and commerce;

"(B) the changing patterns of supplies and prices of commodities in the world market;

"(C) the investment of United States capital in foreign countries;

"(D) short- and long-term weather changes in the world;

"(E) interest rates;

"(F) capital formation; and

"(G) the changing patterns of world energy supplies and prices.".

12 USC 1904
note.

Data
examination,
limitation.

SEC. 6. Section 4(f) of the Council on Wage and Price Stability Act is amended—

(1) by inserting in paragraph (1) after “section 2(g)” the following: “or submitted voluntarily pursuant to a Council request and judged by the Council to be confidential information”;

(2) by striking out all that follows “United States Code” in paragraph (1) and inserting in lieu thereof a period and the following sentence: “Neither the Director nor any member of the Council may permit anyone other than sworn officers, members, and employees of the Council to examine such data.”; and

(3) by inserting after “section 2(g)” in paragraph (2) the following: “or submitted voluntarily pursuant to a Council request”.

Approved October 6, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-316 (Comm. on Banking, Finance and Urban Affairs).

SENATE REPORT No. 95-408 accompanying S. 2056 (Comm. on Banking, Housing and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Sept. 21, S. 2056 considered and passed Senate.

Sept. 30, Oct. 3, considered and passed House.

Oct. 4, considered and passed Senate, in lieu of S. 2056.

Public Law 95-122
95th Congress

An Act

To revise the basis for estimating the annual Federal payment to the District of Columbia for water and water services and sanitary sewer services furnished to the United States.

Oct. 6, 1977
[S. 1322]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Public Works Act of 1954, approved May 18, 1954, is amended as follows:

(1) Section 106(b) of such Act (D.C. Code, sec. 43-1541(b)), is amended to read as follows:

“(b) For the purpose of effectuating the provisions of subsection (a) of this section, there shall be included annually in the budget estimates of the Mayor (beginning with the budget estimates for the fiscal year beginning October 1, 1977) the estimated value, as determined by the Mayor, of the water and water services to be furnished to the United States during the fiscal year for which the budget estimates are prepared, based on the rates for water and water services that will be in effect during such fiscal year. There shall be appropriated annually to the District, subject to subsequent adjustment within two fiscal years, out of any money in the Treasury not otherwise appropriated, a sum corresponding to the estimated value of water and water services to be furnished to the United States: *Provided*, That nothing contained in this subsection shall be deemed to relieve the United States of its obligation to make payments to the District for water and water services furnished prior to October 1, 1977: *Provided further*, That, notwithstanding any other provision of law, outstanding payments for water and water services furnished by the District prior to October 1, 1977, shall be advanced and paid, subject to subsequent adjustment within two fiscal years, to the District by the United States on October 1, 1977.”

(2) Section 212(b) of such Act (D.C. Code, sec. 43-1611(b)), is amended to read as follows:

“(b) For the purpose of effectuating the provisions of subsection (a) of this section, there shall be included annually in the budget estimates of the Mayor (beginning with the budget estimates for the fiscal year beginning October 1, 1977) the estimated value, as determined by the Mayor, of the sanitary sewer services to be furnished to the United States during the fiscal year for which the budget estimates are prepared, based on the rates for sanitary sewer services that will be in effect during such fiscal year. There shall be appropriated annually to the District, subject to subsequent adjustment within two fiscal years, out of any money in the Treasury not otherwise appropriated, a sum corresponding to the estimated value of sanitary sewer services to be furnished to the United States: *Provided*, That nothing contained in this subsection shall be deemed to relieve the United States of its obligation to make payments to the

D.C.
Water and sewer
services, Federal
payment
estimates,
revision.

Outstanding
payments.

Outstanding
payments.

District for sanitary sewer services furnished prior to October 1, 1977: *Provided further*, That, notwithstanding any other provisions of law, outstanding payments for sanitary sewer services furnished by the District prior to October 1, 1977, shall be advanced and paid, subject to subsequent adjustment within two fiscal years, to the District by the United States on October 1, 1977.”.

Approved October 6, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-247 accompanying H.R. 5813 (Comm. on the District of Columbia).

SENATE REPORT No. 95-229 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 7, considered and passed Senate.

Sept. 26, considered and passed House, in lieu of H.R. 5813.

Public Law 95-123
95th Congress

An Act

To extend and revise the Library Services and Construction Act, and for other purposes.

Oct. 7, 1977

[S. 602]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Library Services and Construction Act Amendments of 1977".

Library Services
and Construction
Act Amendments
of 1977.
20 USC 351 note.
Appropriation
authorization.

SEC. 2. (a) Section 4(a)(1) of the Library Services and Construction Act (20 U.S.C. 351b(a)(1)) is amended by striking out "and" after "1975," and by inserting before the period at the end thereof the following: "\$110,000,000 for fiscal year 1978, \$140,000,000 for fiscal year 1979, and \$150,000,000 for fiscal year 1980 and each of the two succeeding fiscal years".

(b) Section 4(a)(2) of such Act (20 U.S.C. 351b(a)(2)) is amended by striking out "and" after "1975," and by inserting before the period at the end thereof the following: ", and such sums as may be necessary for fiscal year 1978 through fiscal year 1981, and \$97,000,000 for fiscal year 1982".

(c) Section 4(a)(3) of such Act (20 U.S.C. 351b(a)(3)) is amended by striking out "and" after "1975," and by inserting before the period at the end thereof the following: "\$15,000,000 for fiscal year 1978, and \$20,000,000 for fiscal year 1979 and each of the three succeeding fiscal years".

(d) Section 4(a)(4) of such Act (20 U.S.C. 351b(a)(4)) is amended by striking out "for the fiscal year" and all that follows through "June 30, 1976" and inserting in lieu thereof "for each fiscal year ending prior to October 1, 1982".

SEC. 3. (a) The Library Services and Construction Act (20 U.S.C. 351 et seq.) is amended by inserting after section 7 the following new section:

"ADMINISTRATIVE COSTS

"SEC. 8. The amount expended by any State, from an allotment received under this Act for any fiscal year, for administrative costs in connection with any program or activity carried out by such State under this Act shall be matched by such State from funds other than Federal funds."

20 USC 351f.

(b) Section 102(b) of such Act (20 U.S.C. 353(b)) is amended by inserting after "Subject to" the following: "the provisions of section 8 and".

Federal funds,
use.

SEC. 4. (a) Section 2(a) of the Library Services and Construction Act (20 U.S.C. 351(a)) is amended by striking out "and in promoting" and by inserting in lieu thereof "in promoting", and by adding before the period at the end thereof a comma and the following: "and in strengthening major urban resource libraries".

(b) Section 3 of such Act (20 U.S.C. 351(a)) is amended by adding at the end thereof the following:

"Major urban
resource library."
20 USC 351a.

"(14) 'Major urban resource library' means any public library located in a city having a population of 100,000 or more individuals, as determined by the Commissioner."

Grants to States.

(c) Section 101 of such Act (20 U.S.C. 352) is amended by striking out “and” the third place it appears in such section, and by inserting before the period a comma and the following: “and in strengthening major urban resource libraries”.

State urban
resource
libraries.

(d) Section 102(a) of such Act (20 U.S.C. 353(a)) is amended—

(1) by striking out “and” at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof a semicolon and “and”;

(3) by adding at the end thereof the following new clause:

“(3) for supporting and expanding library services of major urban resource libraries which, because of the value of the collections of such libraries to individual users and to other libraries, need special assistance to furnish services at a level required to meet the demands made for such services.”; and

(4) by adding at the end thereof the following new sentence: “No grant may be made under clause (3) of this subsection unless the major urban resource library provides services to users throughout the regional area in which such library is located.”.

(e) Section 102 of such Act is amended by adding at the end thereof the following new subsection:

“(c) (1) Subject to such criteria as the Commissioner shall establish by regulation, in any fiscal year in which sums appropriated pursuant to paragraph (1) of section 4(a) exceed \$60,000,000, each State which is subject to the provisions of this subsection shall reserve that portion of the allotment of each State attributable to the amount in excess of \$60,000,000 in that fiscal year in the manner required in paragraph (2).

“(2) (A) In each State having one or more cities with a population of 100,000 or more individuals, as determined by the Commissioner, and in which the aggregate population of such cities does not exceed 50 percent of the total population of the State, the portion of the excess amount specified in paragraph (1) shall be reserved for the purposes described in subsection (a) (3) of this section in accordance with clause (2) of section 103 in an amount which bears the same ratio to the total of such excess amount as the aggregate population of such cities bears to the total population of such State.

“(B) In each State having one or more cities with a population of 100,000 or more individuals, as determined by the Commissioner, and in which the aggregate population of such cities exceeds 50 percent of the total population of the State, 50 percent of the excess amount specified in paragraph (1) shall be reserved for the purposes described in subsection (a) (3) in accordance with clause (2) of section 103.

“(C) Any State which does not include any city with a population of 100,000 or more individuals, as determined by the Commissioner, shall not be subject to the provisions of this subsection.”.

(f) (1) Section 103(1) of such Act (20 U.S.C. 354(1)) is amended by inserting “, subject to clause (2) of this section,” after “program” the first place it appears in such section.

(2) Section 103 of such Act (20 U.S.C. 354) is amended by redesignating clauses (2), (3), and (4) of such section as clauses (3), (4), and (5), respectively, and by inserting after clause (1) the following new clause:

“(2) set forth a program for the year submitted under which the amount reserved by the State under section 102(c), if applicable, will be used for the purposes set forth in clause (3) of section 102(a);”.

20 USC 354.

(3) Section 103 of such Act (20 U.S.C. 354) is further amended by adding at the end thereof the following new sentence: "No State shall, in carrying out the provisions of clause (2) of this section, reduce the amount paid to an urban resource library below the amount that such library received in the year preceding the year for which the determination is made under such clause (2)."

Funds, reduction
limitation.

SEC. 5. Section 103(3) of the Library Services and Construction Act (as so redesignated by this Act) is amended by striking out "the fiscal year ending June 30, 1971" and inserting in lieu thereof the following: "the second fiscal year preceding the fiscal year for which the determination is made".

SEC. 6. The second sentence of section 202 of the Library Services and Construction Act (20 U.S.C. 355b) is amended by inserting after "libraries" a comma and the following: "for the remodeling of public libraries necessary to meet standards adopted pursuant to the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968, and for remodeling designed to conserve energy in the operation of public libraries".

Library
remodeling.

42 USC 4151.

Approved October 7, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-97 accompanying H.R. 3712 (Comm. on Education and Labor) and No. 95-607 (Comm. of Conference).

SENATE REPORT No. 95-143 (Comm. on Human Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 21, H.R. 3712 considered and passed House.

May 20, considered and passed Senate.

June 2, considered and passed House, amended, in lieu of H.R. 3712.

Sept. 20, Senate agreed to conference report.

Sept. 23, House agreed to conference report.

Public Law 95-124
95th Congress

An Act

Oct. 7, 1977

[S. 126]

Earthquake
Hazards
Reduction Act of
1977.
42 USC 7701
note.
42 USC 7701.

To reduce the hazards of earthquakes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

That this Act may be cited as the "Earthquake Hazards Reduction Act of 1977".

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) All 50 States are vulnerable to the hazards of earthquakes, and at least 39 of them are subject to major or moderate seismic risk, including Alaska, California, Hawaii, Illinois, Massachusetts, Missouri, Montana, Nevada, New Jersey, New York, South Carolina, Utah, and Washington. A large portion of the population of the United States lives in areas vulnerable to earthquake hazards.

(2) Earthquakes have caused, and can cause in the future, enormous loss of life, injury, destruction of property, and economic and social disruption. With respect to future earthquakes, such loss, destruction, and disruption can be substantially reduced through the development and implementation of earthquake hazards reduction measures, including (A) improved design and construction methods and practices, (B) land-use controls and redevelopment, (C) prediction techniques and early-warning systems, (D) coordinated emergency preparedness plans, and (E) public education and involvement programs.

(3) An expertly staffed and adequately financed earthquake hazards reduction program, based on Federal, State, local, and private research, planning, decisionmaking, and contributions would reduce the risk of such loss, destruction, and disruption in seismic areas by an amount far greater than the cost of such program.

(4) A well-funded seismological research program in earthquake prediction could provide data adequate for the design, of an operational system that could predict accurately the time, place, magnitude, and physical effects of earthquakes in selected areas of the United States.

(5) An operational earthquake prediction system can produce significant social, economic, legal, and political consequences.

(6) There is a scientific basis for hypothesizing that major earthquakes may be moderated, in at least some seismic areas, by application of the findings of earthquake control and seismological research.

(7) The implementation of earthquake hazards reduction measures would, as an added benefit, also reduce the risk of loss, destruction, and disruption from other natural hazards and man-made hazards, including hurricanes, tornadoes, accidents, explosions, landslides, building and structural cave-ins, and fires.

(8) Reduction of loss, destruction, and disruption from earthquakes will depend on the actions of individuals, and organiza-

tions in the private sector and governmental units at Federal, State, and local levels. The current capability to transfer knowledge and information to these sectors is insufficient. Improved mechanisms are needed to translate existing information and research findings into reasonable and usable specifications, criteria, and practices so that individuals, organizations, and governmental units may make informed decisions and take appropriate actions.

(9) Severe earthquakes are a worldwide problem. Since damaging earthquakes occur infrequently in any one nation, international cooperation is desirable for mutual learning from limited experiences.

(10) An effective Federal program in earthquake hazards reduction will require input from and review by persons outside the Federal Government expert in the sciences of earthquake hazards reduction and in the practical application of earthquake hazards reduction measures.

SEC. 3. PURPOSE.

42 USC 7702.

It is the purpose of the Congress in this Act to reduce the risks of life and property from future earthquakes in the United States through the establishment and maintenance of an effective earthquake hazards reduction program.

SEC. 4. DEFINITIONS.

42 USC 7703.

As used in this Act, unless the context otherwise requires:

(1) The term "includes" and variants thereof should be read as if the phrase "but is not limited to" were also set forth.

(2) The term "program" means the earthquake hazards reduction program established under section 5.

(3) The term "seismic" and variants thereof mean having to do with, or caused by earthquakes.

(4) The term "State" means each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, and any other territory or possession of the United States.

(5) The term "United States" means, when used in a geographical sense, all of the States as defined in section 4(4).

SEC. 5. NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM.

42 USC 7704.

(a) **ESTABLISHMENT.**—The President shall establish and maintain, in accordance with the provisions and policy of this Act, a coordinated earthquake hazards reduction program, which shall—

(1) be designed and administered to achieve the objectives set forth in subsection (c);

(2) involve, where appropriate, each of the agencies listed in subsection (d); and

(3) include each of the elements described in subsection (e), the implementation plan described in subsection (f), and the assistance to the States specified in subsection (g).

(b) **DUTIES.**—The President shall—

(1) within 30 days after the date of enactment of this Act, designate the Federal department, agency, or entity responsible for the development of the implementation plan described in subsection (f);

(2) within 210 days after such date of enactment, submit to the appropriate authorizing committees of the Congress the implementation plan described in subsection (f); and

Plan, submittal to congressional committees.

(3) by rule, within 300 days after such date of enactment—

(A) designate the Federal department, agency, or interagency group which shall have primary responsibility for the development and implementation of the earthquake hazards reduction program;

(B) assign and specify the role and responsibility of each appropriate Federal department, agency, and entity with respect to each object and element of the program;

(C) establish goals, priorities, and target dates for implementation of the program;

(D) provide a method for cooperation and coordination with, and assistance (to the extent of available resources) to, interested governmental entities in all States, particularly those containing areas of high or moderate seismic risk; and

(E) provide for qualified staffing for the program and its components.

(c) **OBJECTIVES.**—The objectives of the earthquake hazards reduction program shall include—

Earthquake
resistant
construction.

(1) the development of technologically and economically feasible design and construction methods and procedures to make new and existing structures, in areas of seismic risk, earthquake resistant, giving priority to the development of such methods and procedures for nuclear power generating plants, dams, hospitals, schools, public utilities, public safety structures, high occupancy buildings, and other structures which are especially needed in time of disaster;

Earthquake
prediction.

(2) the implementation in all areas of high or moderate seismic risk, of a system (including personnel, technology, and procedures) for predicting damaging earthquakes and for identifying, evaluating, and accurately characterizing seismic hazards;

Model codes.

(3) the development, publication, and promotion, in conjunction with State and local officials and professional organizations, of model codes and other means to coordinate information about seismic risk with land-use policy decisions and building activity;

Earthquake-
related issues,
understanding.

(4) the development, in areas of seismic risk, of improved understanding of, and capability with respect to, earthquake-related issues, including methods of controlling the risks from earthquakes, planning to prevent such risks, disseminating warnings of earthquakes, organizing emergency services, and planning for reconstruction and redevelopment after an earthquake;

(5) the education of the public, including State and local officials, as to earthquake phenomena, the identification of locations and structures which are especially susceptible to earthquake damage, ways to reduce the adverse consequences of an earthquake, and related matters;

Research.

(6) the development of research on—

(A) ways to increase the use of existing scientific and engineering knowledge to mitigate earthquake hazards;

(B) the social, economic, legal, and political consequences of earthquake prediction; and

(C) ways to assure the availability of earthquake insurance or some functional substitute; and

(7) the development of basic and applied research leading to a better understanding of the control or alteration of seismic phenomena.

(d) **PARTICIPATION.**—In assigning the role and responsibility of Federal departments, agencies, and entities under subsection (b) (3) (B), the President shall, where appropriate, include the United States Geological Survey, the National Science Foundation, the Department of Defense, the Department of Housing and Urban Development, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Bureau of Standards, the Energy Research and Development Administration, the Nuclear Regulatory Commission, and the National Fire Prevention and Control Administration.

(e) **RESEARCH ELEMENTS.**—The research elements of the program shall include—

(1) research into the basic causes and mechanisms of earthquakes;

(2) development of methods to predict the time, place, and magnitude of future earthquakes;

(3) development of an understanding of the circumstances in which earthquakes might be artificially induced by the injection of fluids in deep wells, by the impoundment of reservoirs, or by other means;

(4) evaluation of methods that may lead to the development of a capability to modify or control earthquakes in certain regions;

(5) development of information and guidelines for zoning land in light of seismic risk in all parts of the United States and preparation of seismic risk analyses useful for emergency planning and community preparedness;

(6) development of techniques for the delineation and evaluation of the political effects of earthquakes, and their application on a regional basis;

(7) development of methods for planning, design, construction, rehabilitation, and utilization of manmade works so as to effectively resist the hazards imposed by earthquakes;

(8) exploration of possible social and economic adjustments that could be made to reduce earthquake vulnerability and to exploit effectively existing and developing earthquake mitigation techniques; and

(9) studies of foreign experience with all aspects of earthquakes.

(f) **IMPLEMENTATION PLAN.**—The President shall develop, through the Federal agency, department, or entity designated under subsection (b) (1), an implementation plan which shall set year-by-year targets through at least 1980, and shall specify the roles for Federal agencies, and recommended appropriate roles for State and local units of government, individuals, and private organizations, in carrying out the implementation plan. The plan shall provide for—

(1) the development of measures to be taken with respect to preparing for earthquakes, evaluation of prediction techniques and actual predictions of earthquakes, warning the residents of an area that an earthquake may occur, and ensuring that a comprehensive response is made to the occurrence of an earthquake;

(2) the development of ways for State, county, local, and regional governmental units to use existing and developing knowledge about the regional and local variations of seismic risk in making their land use decisions;

(3) the development and promulgation of specifications, building standards, design criteria, and construction practices to achieve appropriate earthquake resistance for new and existing structures;

(4) an examination of alternative provisions and requirements for reducing earthquake hazards through Federal and federally financed construction, loans, loan guarantees, and licenses;

(5) the determination of the appropriate role for insurance, loan programs, and public and private relief efforts in moderating the impact of earthquakes; and

(6) dissemination, on a timely basis, of—

(A) instrument-derived data of interest to other researchers;

(B) design and analysis data and procedures of interest to the design professions and to the construction industry; and

(C) other information and knowledge of interest to the public to reduce vulnerability to earthquake hazards.

Report, filing
with
congressional
committees.

When the implementation plan developed by the President under this section contemplates or proposes specific action to be taken by any Federal agency, department, or entity, and, at the end of the 30-day period beginning on the date the President submits such plan to the appropriate authorizing committees of the Congress any such action has not been initiated, the President shall file with such committees a report explaining, in detail, the reasons why such action has not been initiated.

(g) STATE ASSISTANCE.—In making assistance available to the States under the Disaster Relief Act of 1974 (42 U.S.C. 5121 et seq.), the President may make such assistance available to further the purposes of this Act, including making available to the States the results of research and other activities conducted under this Act.

(h) PARTICIPATION.—In carrying out the provisions of this section, the President shall provide an opportunity for participation by the appropriate representatives of State and local governments, and by the public, including representatives of business and industry, the design professions, and the research community, in the formulation and implementation of the program.

Program plan
review.

Report to
Congress.

Such non-Federal participation shall include periodic review of the program plan, considered in its entirety, by an assembled and adequately staffed group of such representatives. Any comments on the program upon which such group agrees shall be reported to the Congress.

Measures developed pursuant to paragraph 5(f)(1) for the evaluation of prediction techniques and actual predictions of earthquakes shall provide for adequate non-Federal participation. To the extent that such measures include evaluation by Federal employees of non-Federal prediction activities, such measures shall also include evaluation by persons not in full-time Federal employment of Federal prediction activities.

42 USC 7705.
Submittal to
congressional
committees.

SEC. 6. ANNUAL REPORT.

The President shall, within ninety days after the end of each fiscal year, submit an annual report to the appropriate authorizing committees in the Congress describing the status of the program, and describing and evaluating progress achieved during the preceding fiscal year in reducing the risks of earthquake hazards. Each such report shall include any recommendations for legislative and other action the President deems necessary and appropriate.

42 USC 7706.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL.—There are authorized to be appropriated to the President to carry out the provisions of sections 5 and 6 of this Act (in addition to any authorizations for similar purposes included in

other Acts and the authorizations set forth in subsections (b) and (c) of this section), not to exceed \$1,000,000 for the fiscal year ending September 30, 1978, not to exceed \$2,000,000 for the fiscal year ending September 30, 1979, and not to exceed \$2,000,000 for the fiscal year ending September 30, 1980.

(b) **GEOLOGICAL SURVEY.**—There are authorized to be appropriated to the Secretary of the Interior for purposes for carrying out, through the Director of the United States Geological Survey, the responsibilities that may be assigned to the Director under this Act not to exceed \$27,500,000 for the fiscal year ending September 30, 1978; not to exceed \$35,000,000 for the fiscal year ending September 30, 1979; and not to exceed \$40,000,000 for the fiscal year ending September 30, 1980.

(c) **NATIONAL SCIENCE FOUNDATION.**—To enable the Foundation to carry out responsibilities that may be assigned to it under this Act, there are authorized to be appropriated to the Foundation not to exceed \$27,500,000 for the fiscal year ending September 30, 1978; not to exceed \$35,000,000 for the fiscal year ending September 30, 1979; and not to exceed \$40,000,000 for the fiscal year ending September 30, 1980.

Approved October 7, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-286, Pt. I accompanying H.R. 6683 (Comm. on Science and Technology) and No. 95-286, Pt. II accompanying H.R. 6683 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 95-130 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 123 (1977):

May 12, considered and passed Senate.

Sept. 9, considered and passed House, amended, in lieu of H.R. 6683.

Sept. 23, Senate concurred in House amendment.

Public Law 95-125
95th Congress

An Act

Oct. 7, 1977

[S. 213]

To amend the Accounting and Auditing Act of 1950 to provide for the audit, by the Comptroller General, of the Internal Revenue Service and of the Bureau of Alcohol, Tobacco, and Firearms.

Accounting and
Auditing Act
of 1950,
amendments.
IRS and Bureau
of Alcohol,
Tobacco, and
Firearms, audits.

26 USC 6406.
Records, access.

26 USC 6103.

Nondisclosure.

Violations.

GAO employees
with access to
taxpayer
information,
list.

Delivery to
congressional
committees,
Commissioner of
Internal
Revenue,
and Director of
the
Bureau of ATF.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 117 of the Accounting and Auditing Act of 1950 (31 U.S.C. 67) is amended by adding at the end thereof the following new subsection:

“(d) (1) The Comptroller General shall make, under such rules and regulations as he shall prescribe, audits of the Internal Revenue Service and the Bureau of Alcohol, Tobacco, and Firearms of the Department of the Treasury: *Provided*, That such audits shall not affect the finality of findings or decisions of the Secretary of the Treasury or his delegate under section 6406 of the Internal Revenue Code.

“(2) For the purposes of, and to the extent necessary in, making the audits required by paragraph (1) of this subsection, representatives of the General Accounting Office—

“(A) shall, to the extent provided by, and subject to the requirements imposed by, section 6103 of such Code but notwithstanding the provisions of any other law, have access to returns and return information (as defined by section 6103(b) of such Code); and

“(B) shall, notwithstanding the provisions of any other law, have access to all other books, accounts, financial records, reports, files, papers, things, and property belonging to or in use by the Internal Revenue Service or the Bureau of Alcohol, Tobacco, and Firearms:

Provided, That no officer or employee of the General Accounting Office shall, except as otherwise expressly provided by law, divulge or make known in any manner whatever to any person, other than another officer or employee of such office whose official duties or responsibilities require such disclosure, any information described in clause (B) in a form which can be associated with, or otherwise identify, directly or indirectly, a particular taxpayer. Any such officer or employee who makes a disclosure in violation of this proviso shall be subject to the penalties provided by law.

“(3) The Comptroller General shall, from time to time, but not less often than once every six months, designate in writing the name and title of each officer and employee of the General Accounting Office who, pursuant to the provisions of paragraph (2) of this subsection, is to have access to tax returns and tax return information, or any information described in clause (B) of such paragraph (2), in a form which can be associated with or otherwise identify, directly or indirectly, a particular taxpayer. Each such written designation, or a certified copy thereof, promptly shall be delivered to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Joint Committee on Taxation, the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Commissioner of Internal Revenue, and the Director of the Bureau of Alcohol, Tobacco, and Firearms.

“(4) The Comptroller General shall, as frequently as may be practicable, make reports to the Congress on the results of audit work performed. In addition, the Comptroller General shall submit an annual written report to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Joint Committee on Taxation, the Committee on Government Operations of the House of Representatives, and the Committee on Governmental Affairs of the Senate which report shall include, but shall not be limited to, the following:

Reports to
Congress.
Annual report
to congressional
committees.
Contents.

“(A) The procedures and requirements which the General Accounting Office, the Internal Revenue Service, and the Bureau of Alcohol, Tobacco, and Firearms have established for protecting the confidentiality of tax returns and tax return information made available to the Comptroller General under this subsection;

“(B) the scope and subject matter of any audit or other examination or review authorized under paragraph (1) of this subsection; and

“(C) any findings, conclusions, or recommendations developed by the Comptroller General as a result of any audit or other examination or review authorized under paragraph (1) of this subsection including any significant evidence of inefficiency or mismanagement.”.

Approved October 7, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-480 (Comm. on Government Operations).

SENATE REPORT No. 95-42 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 11, considered and passed Senate.

Sept. 27, considered and passed House.

Public Law 95-126
95th Congress

An Act

Oct. 8, 1977

[S. 1307]

To deny entitlement to veterans' benefits to certain persons who would otherwise become so entitled solely by virtue of the administrative upgrading under temporarily revised standards of other than honorable discharges from service during the Vietnam era; to require case-by-case review under uniform, historically consistent, generally applicable standards and procedures prior to the award of veterans' benefits to persons administratively discharged under other than honorable conditions from active military, naval, or air service; and for other purposes.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) section 3103 of title 38, United States Code, is amended by—

Veterans'
benefits.
Entitlement,
denial to certain
veterans with
upgraded
discharges.

(1) inserting "or on the basis of an absence without authority from active duty for a continuous period of at least one hundred and eighty days if such person was discharged under conditions other than honorable unless such person demonstrates to the satisfaction of the Administrator that there are compelling circumstances to warrant such prolonged unauthorized absence," after "deserter," in subsection (a), and by inserting a comma and "notwithstanding any action subsequent to the date of such discharge by a board established pursuant to section 1553 of title 10" before the period at the end of such subsection; and

(2) adding at the end of such section the following new subsection:

Review.

"(e) (1) Notwithstanding any other provision of law, (A) no benefits under laws administered by the Veterans' Administration shall be provided, as a result of a change in or new issuance of a discharge under section 1553 of title 10, except upon a case-by-case review by the board of review concerned, subject to review by the Secretary concerned, under such section, of all the evidence and factors in each case under published uniform standards (which shall be historically consistent with criteria for determining honorable service and shall not include any criterion for automatically granting or denying such change or issuance) and procedures generally applicable to all persons administratively discharged or released from active military, naval, or air service under other than honorable conditions; and (B) any such person shall be afforded an opportunity to apply for such review under such section 1553 for a period of time terminating not less than one year after the date on which such uniform standards and procedures are promulgated and published.

10 USC 1553.

Application.

"(2) Notwithstanding any other provision of law—

Benefits
entitlement,
limitation.
Review.

"(A) no person discharged or released from active military, naval, or air service under other than honorable conditions who has been awarded a general or honorable discharge under revised standards for the review of discharges, (i) as implemented by the President's directive of January 19, 1977, initiating further action with respect to the President's Proclamation 4313 of September 16, 1974, (ii) as implemented on or after April 5, 1977, under the Department of Defense's special discharge review program, or (iii) as implemented subsequent to April 5, 1977, and not made applicable to all persons administratively discharged or released from active military, naval, or air service under other than

50 USC app.
462 note.

honorable conditions, shall be entitled to benefits under laws administered by the Veterans' Administration except upon a determination, based on a case-by-case review, under standards (meeting the requirements of paragraph (1) of this subsection) applied by the board of review concerned under section 1553 of title 10, subject to review by the Secretary concerned, that such person would be awarded an upgraded discharge under such standards; and

10 USC 1553.

“(B) such determination shall be made by such board (i) on an expedited basis after notification by the Veterans' Administration to the Secretary concerned that such person has received, is in receipt of, or has applied for such benefits or after a written request is made by such person or such determination, (ii) on its own initiative within one year after the date of enactment of this paragraph in any case where a general or honorable discharge has been awarded on or prior to the date of enactment of this paragraph under revised standards referred to in clause (A) (i), (ii), or (iii) of this paragraph, or (iii) on its own initiative at the time a general or honorable discharge is so awarded in any case where a general or honorable discharge is awarded after such enactment date.

Expedited determination.

If such board makes a preliminary determination that such person would not have been awarded an upgraded discharge under standards meeting the requirements of paragraph (1) of this subsection, such person shall be entitled to an appearance before the board, as provided for in section 1553(c) of title 10, prior to a final determination on such question and shall be given written notice by the board of such preliminary determination and of his or her right to such appearance. The Administrator shall, as soon as administratively feasible, notify the appropriate board of review of the receipt of benefits under laws administered by the Veterans' Administration, or of the application for such benefits, by any person awarded an upgraded discharge under revised standards referred to in clause (A) (i), (ii), or (iii) of this paragraph with respect to whom a favorable determination has not been made under this paragraph.”.

Appearance before board. Notice.

Board of review, notification.

(b)(1) The Secretary of Defense shall fully inform each person awarded a general or honorable discharge under revised standards for the review of discharges referred to in section 3103(e)(2)(A) (i), (ii), or (iii) of title 38, United States Code, as added by subsection (a)(2) of this section, of his or her right to obtain an expedited determination under section 3103(e)(2)(B)(i) of such title and of the implications of the provisions of this Act for each such person.

Information, notification. 38 USC 3103 note.

(2) Notwithstanding any other provision of law, the Secretary of Defense shall inform each person who applies to a board of review under section 1553 of title 10, United States Code, and who appears to have been discharged under circumstances which might constitute a bar to benefits under section 3103(a) of title 38, United States Code, (A) that such person might possibly be administratively found to be entitled to benefits under laws administered by the Veterans' Administration only through the action of a board for the correction of military records under section 1552 of such title 10 or the action of the Administrator of Veterans' Affairs under section 3103 of such title 38, and (B) of the procedures for making application to such section 1552 board for such purpose and to the Administrator of Veterans' Affairs for such purpose (including the right to proceed concurrently under such sections 3103, 1552, and 1553).

SEC. 2. Notwithstanding any other provision of law, the Administrator of Veterans' Affairs shall provide the type of health care and

Health care and benefits. 38 USC 3103 note.

- 38 USC 601
et seq.
- 38 USC 3103.
- “Discharge
or release.”
- 38 USC
3103 note.
- Effective dates.
38 USC 3103
note.
- related benefits authorized to be provided under chapter 17 of title 38, United States Code, for any disability incurred or aggravated during active military, naval, or air service in line of duty by a person other than a person barred from receiving benefits by section 3103(a) of such title, but shall not provide such health care and related benefits pursuant to this section for any disability incurred or aggravated during a period of service from which such person was discharged by reason of a bad conduct discharge.
- SEC. 3. Paragraph (18) of section 101 of title 38, United States Code, is amended to read as follows:
- “(18) The term ‘discharge or release’ includes (A) retirement from the active military, naval, or air service, and (B) the satisfactory completion of the period of active military, naval, or air service for which a person was obligated at the time of entry into such service in the case of a person who, due to enlistment or reenlistment, was not awarded a discharge or release from such period of service at the time of such completion thereof and who, at such time, would otherwise have been eligible for the award of a discharge or release under conditions other than dishonorable.”
- SEC. 4. In promulgating, or making any revisions of or amendments to, regulations governing the standards and procedures by which the Veterans’ Administration determines whether a person was discharged or released from active military, naval, or air service under conditions other than dishonorable, the Administrator of Veterans’ Affairs shall, in keeping with the spirit and intent of this Act, not promulgate any such regulations or revise or amend any such regulations for the purpose of, or having the effect of, (1) providing any unique or special advantage to veterans awarded general or honorable discharges under revised standards for the review of discharges described in section 3103(e)(2)(A)(i), (ii), or (iii) of title 38, United States Code, as added by section 1(a)(2) of this Act, or (2) otherwise making any special distinction between such veterans and other veterans.
- SEC. 5. This Act shall become effective on the date of its enactment, except that—
- (1) section 2 shall become effective on October 1, 1977, or on such enactment date, whichever is later; and
 - (2) the amendments made by section 1(a) shall apply retroactively to deny benefits under laws administered by the Veterans’ Administration, except that, notwithstanding any other provision of law—
 - (A) with respect to any person who, on such enactment date is receiving benefits under laws administered by the Veterans’ Administration, (i) such benefits shall not be terminated under paragraph (2) of section 3103(e) of title 38, United States Code, as added by section 1(a)(2) of this Act, until (I) the day on which a final determination not favorable to the person concerned is made on an expedited basis under paragraph (2) of such section 3103(e), (II) the day following the expiration of ninety days after a preliminary determination not favorable to such person is made under such paragraph, or (III) the day following the expiration of one hundred and eighty days after such enactment date, whichever day is the earliest, and (ii) the United States shall not make any claim to recover the value of any benefits provided to such person prior to such earliest day;
 - (B) with respect to any person awarded a general or honorable discharge under revised standards for the review of discharges referred to in clause (A)(i), (ii), or (iii) of such

paragraph who has been provided any such benefits prior to such enactment date, the United States shall not make any claim to recover the value of any benefits so provided; and

(C) the amendments made by clause (1) of section 1(a) shall apply (i) retroactively only to persons awarded general or honorable discharges under such revised standards and to persons who, prior to the date of enactment of this Act, had not attained general eligibility for such benefits by virtue of (I) a change in or new issuance of a discharge under section 1553 of title 10, United States Code, or (II) any other provision of law, and (ii) prospectively (on and after such enactment date) to all other persons.

Approved October 8, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-580 accompanying H.R. 8698 (Comm. on Veterans' Affairs).

SENATE REPORT No. 95-305 (Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Sept. 8, considered and passed Senate.

Sept. 12, considered and passed House, amended, in lieu of H.R. 8698.

Sept. 22, Senate agreed to House amendments with an amendment.

Sept. 23, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, VOL. 13, NO. 42:

Oct. 8, Presidential statement.

Public Law 95-127
95th Congress

An Act

Oct. 12, 1977
[S. 1435]

To amend the Federal Election Campaign Act of 1971 to extend the authorization of appropriations contained in such Act.

Federal Election
Campaign Act
of 1971,
amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended by striking out “and” after “1976”, and by inserting after “1977” the following: “. and \$7,811.500 for the fiscal year ending September 30, 1978”.

Approved October 12, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-309 accompanying H.R. 6936 (Comm. on House Administration).

SENATE REPORT No. 95-113 (Comm. on Rules and Administration).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 4, 5, considered and passed Senate.

July 18, considered and passed House, amended, in lieu of H.R. 6936.

Sept. 15, Senate concurred in House amendment with an amendment.

Sept. 28, House concurred in Senate amendment.

Public Law 95-128
95th Congress

An Act

To amend certain Federal laws pertaining to community development, housing, and related programs.

Oct. 12, 1977

[H.R. 6655]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Housing and Community Development Act of 1977".

Housing and
Community
Development Act
of 1977.
42 USC 5301
note.

TITLE I—COMMUNITY DEVELOPMENT

OBJECTIVES AND PURPOSES OF COMMUNITY DEVELOPMENT ACTIVITIES

SEC. 101. (a) Section 101(c) of the Housing and Community Development Act of 1974 is amended—

42 USC 5301.

- (1) by striking out "and" at the end of paragraph (6);
- (2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and
- (3) by adding the following new paragraph after paragraph (7):

"(8) the alleviation of physical and economic distress through the stimulation of private investment and community revitalization in areas with population outmigration or a stagnating or declining tax base."

(b) Section 101(d)(4) of such Act is amended by inserting the following before the period at the end thereof: "by Federal agencies and programs, as well as by communities".

DEFINITIONS

SEC. 102. (a) Section 102(a) of the Housing and Community Development Act of 1974 is amended—

42 USC 5302.

- (1) by striking out "the Trust Territory of the Pacific Islands; and Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States" in paragraph (1) and inserting in lieu thereof "and the Trust Territory of the Pacific Islands";

- (2) by inserting before the period at the end of paragraph (4) the following: "; except that any city which has been classified as a metropolitan city under clause (B) of this paragraph shall continue to be so classified until the decennial census indicates that the population of such city is less than fifty thousand";

- (3) by inserting the following before the period at the end of paragraph (5): "which have not entered into cooperation agreements with such town or township to undertake or to assist in the undertaking of essential community development and housing assistance activities";

- (4) by inserting in paragraph (6) "either" before "(B)" and by inserting before the period at the end thereof the following: "or (C) has a population in excess of one hundred thousand, a

population density of at least five thousand persons per square mile, and contains within its boundaries no incorporated places as defined by the United States Bureau of Census";

(5) by redesignating paragraphs (10), (11), (12), and (13) as paragraphs (17), (18), (19), and (20), respectively; and

(6) by inserting after paragraph (9) the following new paragraphs:

"(10) The term 'age of housing' means the number of existing housing units constructed in 1939 or earlier based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

"(11) The term 'extent of growth lag' means the number of persons who would have been residents in a metropolitan city or urban county, in excess of the current population of such metropolitan city or urban county, if such metropolitan city or urban county had had a population growth rate between 1960 and the date of the most recent population count referable to the same point or period in time equal to the population growth rate for such period of all metropolitan cities.

"(12) The term 'housing stock' means the number of existing housing units based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

"(13) The term 'adjustment factor' means the ratio between the age of housing in the metropolitan city or urban county and the predicted age of housing in such city or county.

"(14) The term 'predicted age of housing' means the arithmetic product of the housing stock in the metropolitan city or urban county multiplied times the ratio between the age of housing in all metropolitan areas and the housing stock in all metropolitan areas.

"(15) The term 'adjusted age of housing' means the arithmetic product of the age of housing in the metropolitan city or urban county multiplied times the adjustment factor.

"(16) The term 'Indian tribe' means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) or under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512)."

(b) Section 102 of such Act is amended by adding the following new subsection at the end thereof:

"(d) An urban county designated under subsection (a) (6) (B) (i) of this section shall notify, prior to a date set by the Secretary for each year, all incorporated units of general local government the populations of which are included in the population of such urban county for purposes of this section of their opportunity to exclude their population from such urban county. Any unit of general local government which has not elected to have its population so excluded shall have its population included within the population of such urban county for purposes of this section until it, on its own initiative, elects to exclude its population by notifying the urban county on or before a date set by the Secretary."

25 USC 450 note.

31 USC 1221

note.

Local

governments,

exclusion from

urban county

population.

Notice.

42 USC 5302.

AUTHORIZATIONS

SEC. 103. (a) The first sentence of section 103(a)(1) of the Housing and Community Development Act of 1974 is amended by inserting "and Indian tribes" after "units of general local government". 42 USC 5303.

(b) Section 103(a)(1) of such Act is amended by striking out everything after the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated for these purposes not to exceed \$3,500,000,000 for the fiscal year 1978, not to exceed \$3,650,000,000 for the fiscal year 1979, and not to exceed \$3,800,000,000 for the fiscal year 1980. Any amount authorized for any fiscal year under this section but not appropriated for such year may be appropriated for any succeeding fiscal year."

(c) Section 103(a)(2) of such Act is amended to read as follows:

"(2) Of the amounts approved in appropriations Acts pursuant to paragraph (1), \$50,000,000 for each of the fiscal years 1975 and 1976, \$200,000,000 for the fiscal year 1977 (not more than 50 per centum of which amount may be used under section 106(d)(1)), \$350,000,000 for the fiscal year 1978 (of which not more than \$175,000,000 may be used under such section), \$265,000,000 for the fiscal year 1979 (of which not more than \$25,000,000 may be used under such section), and \$250,000,000 for the fiscal year 1980 (none of which may be used under such section) shall be added to the amount available for allocation under section 106(d) and shall not be subject to the provisions of section 107." 42 USC 5306.

(d) Section 103(b) of such Act is amended—

(1) by striking out "for the fiscal year 1977," and inserting in lieu thereof "for each of the fiscal years 1977, 1978, 1979, and 1980,";

(2) by striking out "to units of general local government having urgent community development needs which cannot be met" and inserting in lieu thereof "for the financial settlement and, to the extent feasible, the completion of projects and programs assisted under the categorical programs terminated in section 116(a), primarily urban renewal projects assisted under the Housing Act of 1949, to units of general local government which require supplemental assistance which cannot be provided"; and

(3) by adding at the end thereof the following new sentence: "No funds shall be made available under this subsection (1) for fiscal year 1978 unless the amount appropriated under subsection (a) for fiscal year 1978 is at least \$3,500,000,000; (2) for fiscal year 1979 unless the amount appropriated under subsection (a) for fiscal year 1979 is at least \$3,650,000,000; or (3) for fiscal year 1980 unless the amount appropriated under subsection (a) for fiscal year 1980 is at least \$3,800,000,000." 42 USC 5316.
42 USC 1441
note.

(e) Section 103 of such Act is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by adding the following new subsection after subsection (b): 42 USC 5303.

"(c) There is authorized to be appropriated a sum not in excess of \$400,000,000 for supplemental grant assistance under section 119 for each of the fiscal years 1978, 1979, and 1980, except that no funds shall be made available for such purpose (1) for fiscal year 1978 unless the amount appropriated under subsections (a) and (b) for fiscal year 1978 is at least \$3,600,000,000; (2) for fiscal year 1979 unless the amount appropriated under subsections (a) and (b) for fiscal year 1979 is at least \$3,750,000,000; or (3) for fiscal year 1980 unless the amount appropriated under subsections (a) and (b) for fiscal year 1980 is at least \$3,900,000,000." Post, p. 1125.

APPLICATION REQUIREMENTS

42 USC 5304. SEC. 104. (a) Section 104(a) of the Housing and Community Development Act of 1974 is amended—

(1) by inserting “and housing” in paragraph (1) after “which identifies community development”;

(2) by inserting after “needs” in paragraph (2) (B) the following: “, including activities designed to revitalize neighborhoods for the benefit of low- and moderate-income persons,”;

(3) by striking out “and” at the end of paragraph (3) (A); by striking out the semicolon at the end of paragraph (3) (B) and inserting in lieu thereof “and in a manner to insure fully opportunity for participation by, and benefits to, the handicapped; and”; and by inserting the following new subparagraph after paragraph (3) (B):

“(C) improve conditions for low- and moderate-income persons residing in or expected to reside in the community and foster neighborhood development in order to induce higher-income persons to remain in, or return to, the community;”;

(4) by striking out paragraph (4) and inserting in lieu thereof the following:

“(4) submits a housing assistance plan which—

“(A) accurately surveys the condition of the housing stock in the community and assesses the housing assistance needs of lower-income persons (including elderly and handicapped persons, large families, and persons displaced or to be displaced) residing in or expected to reside in the community and identifies housing stock which is in a deteriorated condition,

“(B) specifies a realistic annual goal for the number of dwelling units or lower-income persons to be assisted, including (i) the relative proportion of new, rehabilitated, and existing dwelling units, (ii) the sizes and types of housing projects and assistance best suited to the needs of lower-income persons in the community, and (iii) in the case of subsidized rehabilitation, adequate provisions to assure that a preponderance of persons assisted should be of low- and moderate-income, and

“(C) indicates the general locations of proposed housing for lower-income persons, with the objective of (i) furthering the revitalization of the community, including the restoration and rehabilitation of stable neighborhoods to the maximum extent possible, and the reclamation of the housing stock where feasible through the use of a broad range of techniques for housing restoration by local government, the private sector, or community organizations, including provision of a reasonable opportunity for tenants displaced as a result of such activities to relocate in their immediate neighborhood, (ii) promoting greater choice of housing opportunities and avoiding undue concentrations of assisted persons in areas containing a high proportion of low-income persons, and (iii) assuring the availability of public facilities and services adequate to serve proposed housing projects;” and

(5) by striking out paragraph (6) and inserting in lieu thereof the following:

Housing
assistance
plan.

"(6) provides satisfactory assurances that, prior to submission of its application, it has (A) prepared and followed a written citizen participation plan which provides citizens an opportunity to participate in the development of the application, encourages the submission of views and proposals, particularly by residents of blighted neighborhoods and citizens of low- and moderate-income, provides for timely responses to the proposals submitted, and schedules hearings at times and locations which permit broad participation; (B) provided citizens with adequate information concerning the amount of funds available for proposed community development activities and housing activities, the range of activities that may be undertaken, and other important requirements; (C) held public hearings to obtain the views of citizens on community development and housing needs; and (D) provided citizens with an opportunity to submit comments concerning the community development performance of the applicant; but nothing in this paragraph shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of its community development program."

Citizen participation plan.

(b) Section 104(b)(2) of such Act is amended—

42 USC 5304.

(1) by striking out "low- or moderate-income" in the first sentence and inserting in lieu thereof "low- and moderate-income"; and

(2) by striking out all after "urgency" in the second sentence and inserting in lieu thereof "because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available."

(c) Section 104(b)(3) of such Act is amended—

(1) by striking out clauses (B) and (C) and inserting in lieu thereof "(B) the application does not involve a comprehensive community development program, as determined by the Secretary, and"; and

(2) by redesignating clause (D) as clause (C).

(d) Section 104(c)(3) of such Act is amended by inserting after "the requirements of this title" the following: "with specific regard to the primary purposes of principally benefiting persons of low- and moderate-income or aiding in the prevention or elimination of slums or blight or meeting other community development needs having a particular urgency."

(e) Section 104(d) of such Act is amended—

(1) by inserting after the first sentence the following: "The performance report shall include any citizen comments submitted pursuant to subsection (a)(6)(D) and the Secretary shall consider such comments, together with the views of other citizens and such other information as may be available, in carrying out the provisions of this subsection."; and

(2) by adding at the end thereof the following: "With respect to grants made pursuant to sections 106(d)(2) and 106(f)(1)(B), the Secretary may adjust, reduce, or withdraw grant funds, or take other action as appropriate in accordance with such reviews and audits, except that funds already expended on eligible activities under this title shall not be recaptured or deducted from future grants made to the recipient."

Grants.
Post, p. 1118.

(f) Section 104(e) of such Act is amended by adding the following new sentence at the end thereof: "In addition, the Secretary may provide an opportunity for the State, in which a grant is to be made to

42 USC 5306.

a unit of general local government under section 106(d)(2) or 106(f)(1)(B), to participate in the selection process for funding such grants. Such participation may include, as determined practicable by the Secretary, the incorporation of State growth and resource coordination policies in funding decisions on such grants, or such other arrangements, excluding administration of the grants referred to in the preceding sentence, as the Secretary deems appropriate.”

42 USC 5304.

(g) Section 104 of such Act is amended by adding the following new subsection at the end thereof:

“(i)(1) The Secretary shall, in making funds available to the recipients of grants under this title, permit any such recipient to receive funds, in one payment, in an amount not to exceed the total amount designated in the recipient’s application, and approved by the Secretary pursuant to this section, for use by the recipient for establishing a revolving loan fund which is to be established in a private financial institution and which is to be used to finance rehabilitation activities that are part of the recipient’s community development program. The Secretary may, as a condition of making such payment, require that the revolving loan fund be utilized for the making of loans to finance rehabilitation activities in a manner consistent with this title. Rehabilitation activities authorized under this section shall begin within forty-five days after the Secretary has made such payment.

Payments,
standards.

“(2) The Secretary shall establish standards for such cash payments which will insure that the deposits result in appropriate benefits in support of the recipient’s rehabilitation program. These standards shall be designed to assure that the benefits to be derived from the local program include, at a minimum, one or more of the following elements, or such other criteria as determined by the Secretary—

“(A) leverage of community development block grant funds so that participating financial institutions commit private funds for loans in the rehabilitation program in amounts substantially in excess of deposit of community development funds;

“(B) commitment of private funds for rehabilitation loans at below-market interest rates or with repayment periods lengthened or at higher risk than would normally be taken;

“(C) provision of administrative services in support of the rehabilitation program by the participating lending institutions; and

“(D) interest earned on such cash deposits shall be used in a manner which supports the community rehabilitation program.

Agreements,
review and
approval.

At the time of application, the Secretary shall review and approve all agreements with lending institutions which receive funds for community rehabilitation programs. Such approval shall be made on a case-by-case basis, and upon a determination by the Secretary that the agreement with the lending institution meets minimum benefit standards as listed in this paragraph.”

ELIGIBLE ACTIVITIES

42 USC 5305.

SEC. 105. (a) Section 105(a) of the Housing and Community Development Act of 1974 is amended by inserting the following after “under this title” the first time it appears therein: “shall consist of activities which assist in carrying out a comprehensive strategy for meeting the community development and housing needs and priorities identified pursuant to section 104, giving primary attention to activities benefiting low- and moderate-income persons and neighborhoods, aiding in the prevention or elimination of slums or blight, or meeting

other community development needs having a particular urgency. These activities”.

(b) The parenthetical expression in section 105(a)(4) of such Act is amended to read as follows: “(including interim assistance, and financing public or private acquisition for rehabilitation, and rehabilitation, of privately owned properties)”. 42 USC 5305.

(c) Section 105(a)(8) of such Act is amended by striking out “economic development,” and by inserting before the semicolon at the end thereof the following: “, and if such services have not been provided by the unit of general local government (through funds raised by such unit, or received by such unit from the State in which it is located) during any part of the twelve-month period immediately preceding the date of application submission for funds which are to be made available under this title, and which are to be utilized for such services, unless the Secretary finds that the discontinuation of such services was the result of events not within the control of the applicant”.

(d) Section 105(a) of such Act is amended—

(1) by striking out “and” at the end of paragraph (12);

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof “; and”; and

(3) by adding at the end thereof the following new paragraphs:

“(14) activities which are carried out by public or private nonprofit entities when such activities are necessary or appropriate to meeting the needs and objectives of the community development plan described in section 104(a)(1), including (A) acquisition of real property; (B) acquisition, construction, reconstruction, rehabilitation, or installation of (i) public facilities, site improvements, and utilities, and (ii) commercial or industrial buildings or structures and other commercial or industrial real property improvements; and (C) planning; and 42 USC 5304.

“(15) grants to neighborhood-based nonprofit organizations, local development corporations, or entities organized under section 301(d) of the Small Business Investment Act of 1958 to carry out a neighborhood revitalization or community economic development project in furtherance of the objectives of section 101(c).” 15 USC 681.

42 USC 5301.

ALLOCATION AND DISTRIBUTION OF FUNDS

SEC. 106. (a) Section 106(a) of the Housing and Community Development Act of 1974 is amended by striking out “(2) or (3)” in the second sentence and inserting in lieu thereof “(1) or (2)”. 42 USC 5306.

(b) Section 106(b) of such Act is amended by striking out paragraphs (1) through (4) and inserting in lieu thereof the following: Metropolitan city.

“(b)(1) The Secretary shall determine the amount to be allocated to each metropolitan city which shall be the greater of an amount that bears the same ratio to the allocation for all metropolitan areas as either—

“(A) the average of the ratios between—

“(i) the population of that city and the population of all metropolitan areas;

“(ii) the extent of poverty in that city and the extent of poverty in all metropolitan areas; and

“(iii) the extent of housing overcrowding in that city and the extent of housing overcrowding in all metropolitan areas;

or

“(B) the average of the ratios between—

Ratios, average.

- “(i) the extent of growth lag in that city and the extent of growth lag in all metropolitan cities;
 “(ii) the extent of poverty in that city and the extent of poverty in all metropolitan areas; and
 “(iii) the age of housing in that city and the age of housing in all metropolitan areas.
- Urban county. “(2) The Secretary shall determine the amount to be allocated to each urban county, which shall be the greater of an amount that bears the same ratio to the allocation for all metropolitan areas as either—
- Ratios, average. “(A) the average of the ratios between—
 “(i) the population of that urban county and the population of all metropolitan areas;
 “(ii) the extent of poverty in that urban county and the extent of poverty in all metropolitan areas; and
 “(iii) the extent of housing overcrowding in that urban county and the extent of housing overcrowding in all metropolitan areas; or
 “(B) the average of the ratios between—
 “(i) the extent of growth lag in that urban county and the extent of growth lag in all metropolitan cities and urban counties;
 “(ii) the extent of poverty in that urban county and the extent of poverty in all metropolitan areas; and
 “(iii) the age of housing in that urban county and the age of housing in all metropolitan areas.
- “(3) In determining the average of ratios under paragraphs (1) (A) and (2) (A), the ratio involving the extent of poverty shall be counted twice, and each of the other ratios shall be counted once; and in determining the average of ratios under paragraphs (1) (B) and (2) (B), the ratio involving the extent of growth lag shall be counted once, the ratio involving the extent of poverty shall be counted one and one-half times, and the ratio involving the age of housing shall be counted two and one-half times.”.
- Ante*, p. 1117. (c) Section 106(b) (5) of such Act is amended—
 (1) by striking out “(5)” and inserting in lieu thereof “(4)”;
 and
 (2) by striking out “receive” and inserting in lieu thereof “are entitled to”.
- (d) Section 106(c) of such Act is amended—
 (1) by striking out “During the first three years for which funds are approved for distribution to a metropolitan city or urban county under this section” in the first sentence and inserting in lieu thereof “With respect to funds approved for distribution to a metropolitan city or urban county under this section during fiscal years 1975, 1976, and 1977”; and
 (2) by inserting “only for such funds approved for distribution in fiscal years 1975, 1976, and 1977” after “adjusted” in the first sentence.
- (e) Section 106(d) of such Act is amended to read as follows:
 “(d) (1) Any portion of the amount allocated to metropolitan areas under the first sentence of subsection (a) which remains after the allocation of grants to metropolitan cities and urban counties in accordance with subsection (b) and any amounts added in accordance with the provisions of section 103(a) (2) shall be allocated by the Secretary, first, for grants to metropolitan cities, urban counties, and other units of general local government within metropolitan areas to meet their hold-harmless needs as determined under subsections (g) and (h), and, second, in accordance with the provisions of paragraph (2).

“(2) Any portion of such amounts which remains after applying the provisions of paragraph (1) shall be utilized by the Secretary for grants to units of general local government within metropolitan areas (other than metropolitan cities and urban counties), and States for use within metropolitan areas, allocating for the metropolitan areas of each State the greater of an amount that bears the same ratio to the allocation for such areas of all States available under this paragraph as either—

“(A) the average of the ratios between—

Ratios, average.

“(i) the population of the metropolitan areas in that State and the population of the metropolitan areas of all States;

“(ii) the extent of poverty in the metropolitan areas in that State and the extent of poverty in the metropolitan areas of all States; and

“(iii) the extent of housing overcrowding in the metropolitan areas in that State and the extent of housing overcrowding in the metropolitan areas of all States; or

“(B) the average of the ratios between—

“(i) the age of housing in the metropolitan areas in that State and the age of housing in the metropolitan areas of all States;

“(ii) the extent of poverty in the metropolitan areas in that State and the extent of poverty in the metropolitan areas of all States; and

“(iii) the population of the metropolitan areas in that State and the population of the metropolitan areas of all States.

In determining the average of the ratios under subparagraph (A), the ratio involving the extent of poverty shall be counted twice and each of the other ratios shall be counted once; and in determining the average of the ratios under subparagraph (B), the ratio involving the age of housing shall be counted two and one-half times, the ratio involving the extent of poverty shall be counted one and one-half times, and the ratio involving population shall be counted once. The Secretary shall, in order to compensate for the discrepancy between the total of the amounts to be allocated under this paragraph and the total of the amounts available under such paragraph, make a pro rata reduction of each amount allocated to the metropolitan areas in each State under such paragraph so that the metropolitan areas in each State will receive an amount which represents the same percentage of the total amount available under such paragraph as the percentage which the metropolitan areas of the same State would have received under such paragraph if the total amount available under that paragraph had equaled the total amount which was allocated under that paragraph.

Pro rata
reduction.

“(3) If the Secretary approves a grant under paragraph (2) to a unit of general local government which has a comprehensive community development program with provision for lower-income housing, the Secretary may make a multiyear commitment, up to three years, to any such unit of general local government for specified grant amounts, subject to the availability of appropriations. In determining whether to make such a commitment to a unit of general local government, the Secretary shall give special consideration to those communities presently carrying out comprehensive community development programs, which are subject to the provisions of subsection (h) (2), before making new commitments. In making grants under paragraph (2), the Secretary shall establish for each participating unit of general local government an annual grant at an amount meaningful to the size of

Multiyear
commitment.

Annual grant.

- the unit and the program identified, and shall consider such factors as the unit's engaging in economic redevelopment activities, past performance of the unit in community development activities, prior and present funding levels under this title, the function of the unit as a regional center of economic development and activity, impact on the unit's growth of national policy or direct Federal program decisions, the potential for having increased employment within such unit as a result of community development activity, the physical and economic deterioration within the unit, the age of housing stock and the extent of poverty within the unit, the extent to which the unit's activity or program of activities is necessary to alleviate a serious threat to health or safety, the capacity of the unit to carry out such programs, and any other factors deemed, by the Secretary, to be relevant to carrying out the purposes of this title. The Secretary shall make grants under paragraph (2) in such a manner as to insure that a reasonable proportion of grants is available to applicants which are not seeking funding for comprehensive community development programs. The Secretary may accept and approve commitments for annual grants based on comprehensive community development programs commencing in future fiscal years subject only to the availability of appropriations. In computing amounts under paragraph (2), there shall be excluded metropolitan cities, urban counties, Indian tribes, and units of general local government which are entitled to hold-harmless grants pursuant to subsection (h)."
- Limitation.
- 42 USC 5306. (f) Section 106(e) of such Act is amended—
 (1) by striking out "during such program period" in the first sentence and inserting in lieu thereof "within a reasonable time"; and
 (2) by striking out "during the same period" in the first sentence.
 (g) Section 106(f) of such Act is amended—
 (1) by striking out paragraph (1) and inserting in lieu thereof the following:
 "(f) (1) Of the amount approved in an appropriation Act under section 103(a) for grants in any year (excluding the amount provided for use in accordance with sections 103(a) (2) and 107), 20 per centum shall be allocated by the Secretary—
 "(A) first, for grants to units of general local government outside of metropolitan areas to meet their hold-harmless needs as determined under subsection (h); and
 "(B) second, any portion of such amount which remains after applying the provisions of subparagraph (A) shall be utilized by the Secretary for grants to units of general local government outside of metropolitan areas and States for use outside the metropolitan areas, allocating for the nonmetropolitan areas of each State the greater of an amount that bears the same ratio to the allocation for such areas of all States available under this subparagraph as either—
 "(i) the average of the ratios between—
 "(I) the population of the nonmetropolitan areas in that State and the population of the nonmetropolitan areas of all States;
 "(II) the extent of poverty in the nonmetropolitan areas in that State and the extent of poverty in the nonmetropolitan areas of all States; and
 "(III) the extent of housing overcrowding in the nonmetropolitan areas in that State and the extent of
- 42 USC 5303.
- Ratios, average.

housing overcrowding in the nonmetropolitan areas of all States; or

“(ii) the average of the ratios between—

“(I) the age of housing in the nonmetropolitan areas in that State and the age of housing in the nonmetropolitan areas of all States;

“(II) the extent of poverty in the nonmetropolitan areas in that State and the extent of poverty in the nonmetropolitan areas of all States; and

“(III) the population of the nonmetropolitan areas in that State and the population of the nonmetropolitan areas of all States.

In determining the average of the ratios under clause (i) of subparagraph (B) the ratio involving the extent of poverty shall be counted twice and each of the other ratios shall be counted once; and in determining the average of the ratios under clause (ii) of subparagraph (B), the ratio involving the age of housing shall be counted two and one-half times, the ratio involving the extent of poverty shall be counted one and one-half times, and the ratio involving population shall be counted once. The Secretary shall, in order to compensate for the discrepancy between the total of the amounts to be allocated under subparagraph (B) and the total of the amounts available under such subparagraph, make a pro rata reduction of each amount allocated to the nonmetropolitan areas in each State under such subparagraph so that the nonmetropolitan areas in each State will receive an amount which represents the same percentage of the total amount available under such subparagraph as the percentage which the nonmetropolitan areas of the same State would have received under such subparagraph if the total amount available under such subparagraph had equaled the total amount which was allocated under such subparagraph.

Pro rata
reduction.

“(2) If the Secretary approves a grant under paragraph (1) (B) to a unit of general local government which has a comprehensive community development program with provision for lower-income housing, the Secretary may make a multiyear commitment, up to three years, to any such unit of general local government for specified grant amounts, subject to the availability of appropriations. In determining whether to make such a commitment to a unit of general local government, the Secretary shall give special consideration to those communities presently carrying out comprehensive community development programs, which are subject to the provisions of subsection (h) (2), before making new commitments. In making grants under paragraph (1) (B), the Secretary shall establish for each participating unit of general local government an annual grant at an amount meaningful to the size of the unit and the program identified, and shall consider such factors as the unit's engaging in economic redevelopment activities, past performance of the unit in community development activities, prior and present funding levels under this title, the function of the unit as a regional center of economic development and activity, impact on the unit's growth of national policy or direct Federal program decisions, the potential for having increased employment within such unit as a result of community development activity, the physical and economic deterioration within the unit, the age of housing stock and the extent of poverty within the unit, the extent to which the unit's activity or program activities is necessary to alleviate a serious threat to health or safety, the capacity of the unit to carry out such programs, and any other factors deemed, by the Secretary,

Multiyear
commitment.

Annual grant.

- to be relevant to carrying out the purposes of this title. The Secretary shall make grants under paragraph (1) (B) in such a manner as to insure that a reasonable proportion of grants is available to applicants which are not seeking funding for comprehensive community development programs. The Secretary may accept and approve commitments for annual grants based on comprehensive community development programs commencing in future fiscal years subject only to the availability of appropriations. In computing amounts under paragraph (1) (B), three shall be excluded units of general local government which are entitled to hold-harmless grants pursuant to subsection (h) and Indian tribes.”;
- (2) by redesignating paragraph (2) as paragraph (3);
- (3) by striking out “during such period” in paragraph (3), as redesignated, and inserting in lieu thereof “within a reasonable time”; and
- (4) by striking “during the same period” in such paragraph.
- 42 USC 5306. (h) Section 106(g) (2) of such Act is amended—
- (1) by striking out “(b) (2) or (3)” and inserting in lieu thereof “(b) (1) (A) or (B), or (2) (A) or (B)”;
- (2) by inserting “, as computed under subsection (b) (1) (A) or (B), or (2) (A) or (B),” immediately before “shall” in clauses (i) and (ii).
- (i) Section 106(i) of such Act is amended—
- (1) by striking out “population, poverty, and housing overcrowding”;
- (2) by striking out “receive” and inserting in lieu thereof “are entitled to”; and
- (3) by striking out “(b) (5)” and inserting in lieu thereof “(b) (4)”.
- (j) Section 106(j) of such Act is amended—
- (1) by striking out “not later than thirty days prior to the beginning of any program period” in the first sentence and inserting in lieu thereof “by such date as the Secretary shall determine”;
- (2) by inserting “for a hold-harmless grant for a single year” after “eligibility” in the first sentence; and
- (3) by striking out “(b) (5)” in the second sentence and inserting in lieu thereof “(b) (4)”.
- (k) Section 106(l) of such Act is amended to read as follows:
- “ (1) Not later than September 30, 1978, the Secretary shall report to the Congress with respect to the adequacy, effectiveness, and equity of the formula used for allocation of funds under this title, with specific analysis and recommendation as to the feasibility of utilizing factors of impactation (such as adjusted age of housing and extent of poverty) as a measurement consideration, and the feasibility of utilizing a single formula based on the current factors or others, including regional or area differences in income and cost of living. As used in this subsection, the term ‘impactation’ means the intensity, measured in terms of absolute numbers and proportions of each needs factor.”
- (l) Section 106 of such Act is amended by adding the following new subsection at the end thereof:
- “(m) In the event that the total amount available for distribution under this section in fiscal year 1978 or fiscal year 1979 is insufficient to meet all basic grant and hold-harmless entitlement needs as provided pursuant to this section, and funds are not otherwise appropriated to meet such deficiency, the Secretary shall meet the deficiency through a pro rata reduction of (1) all basic grant and hold-harmless entitlement amounts, and (2) funds available under section 106(d) (2)
- Limitation.
- Funds allocation formula, adequacy. Report to Congress.
- “Impactation.”
- Deficiency.

(including amounts provided for use under section 103(a)(2)) and section 106(f)(1)(B).”.

DISCRETIONARY FUND

SEC. 107. Section 107 of the Housing and Community Development Act of 1974 is amended—

42 USC 5307.

(1) by striking out “and 1977,” in subsection (a) and inserting in lieu thereof “1977, 1978, 1979, and 1980,”;

(2) by striking out “2 per centum” in subsection (a) and inserting in lieu thereof “3 per centum”;

(3) by striking out “and units of general local government” in subsection (a)(5) and inserting in lieu thereof “, units of general local government, and Indian tribes”;

(4) by striking out “and” at the end of subsection (a)(5), by striking out the period at the end of subsection (a)(6) and inserting in lieu thereof a semicolon, and by adding the following after subsection (a)(6);

“(7) to Indian tribes; and

“(8) to States, units of general local government, Indian tribes, or areawide planning organizations for the purpose of providing technical assistance in planning, developing, and administering assistance under this title. The Secretary may also provide such technical assistance under this paragraph directly or through contracts.”;

Technical assistance.

(5) by striking out “one-fourth” in subsection (b) and inserting in lieu thereof “15 per centum”; and

(6) by adding the following new subsection at the end thereof:

“(d) No grant may be made to an Indian tribe unless the applicant provides satisfactory assurances that its program will be conducted and administered in conformity with title II of Public Law 90-284. The Secretary may waive, in connection with such grants, the provisions of section 109 and section 110.”

Assurances.

25 USC 1301.

Waiver.

GUARANTEE OF LOANS FOR ACQUISITION OF PROPERTY

SEC. 108. Section 108 of the Housing and Community Development Act of 1974 is amended—

42 USC 5308.

(1) by striking out subsections (a) and (b);

(2) by redesignating subsections (c), (d), (e), (f), and (g) as subsections (f), (g), (h), (i), and (j), respectively;

42 USC 5308,
31 USC 711.

(3) by inserting before subsection (f), as redesignated, the following:

42 USC 5308.

“(a) The Secretary is authorized, upon such terms and conditions as the Secretary may prescribe, to guarantee and make commitments to guarantee the notes or other obligations issued by units of general local government, or by public agencies designated by such units of general local government, for the purposes of financing acquisition of real property or the rehabilitation of real property owned by the unit of general local government (including such related expenses as the Secretary may permit by regulation). Notes or other obligations guaranteed pursuant to this section shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by regulations issued by the Secretary.

“(b) No guarantee or commitment to guarantee shall be made with respect to any note or other obligation if the issuer's total outstanding notes or obligations guaranteed under this section would thereby

Prerequisites.

exceed an amount equal to three times the amount of the grant approval for the issuer pursuant to section 106.

“(c) Notwithstanding any other provision of this title, grants allocated to an issuer pursuant to this title (including program income derived therefrom) are authorized for use in the payment of principal and interest due (including such servicing, underwriting, or other costs as may be specified in regulations of the Secretary) on the notes or other obligations guaranteed pursuant to this section.

Securities.

“(d) To assure the repayment of notes or other obligations and charges incurred under this section and as a condition for receiving such guarantees, the Secretary shall require the issuer to—

Repayment
contract.

“(1) enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed hereunder;

“(2) pledge any grant approved or for which the issuer may become eligible under this title; and

“(3) furnish, at the discretion of the Secretary, such other security as may be deemed appropriate by the Secretary in making such guarantees, including increments in local tax receipts generated by the activities assisted under this title or dispositions proceeds from the sale of land or rehabilitated property.

“(e) The Secretary is authorized, notwithstanding any other provision of this title, to apply grants pledged pursuant to subsection (d) (2) to any repayments due the United States as a result of such guarantees.”;

(4) by striking out, in the first sentence of subsection (h), as redesignated, the following: “may, at the option of the issuing unit of general local government or designated agency,” and inserting in lieu thereof “shall”;

Grants.

(5) by striking out, in the second sentence of subsection (h), as redesignated, the following: “In the event that taxable obligations are issued and guaranteed, the Secretary is authorized to make, and to contract to make, grants” and inserting in lieu thereof “The Secretary is authorized to make, and to contract to make, grants, in such amounts as may be approved in appropriations Acts,”;

(6) by striking out “such unit or agency has elected to issue as a taxable obligation pursuant to subsection (e) of” in subsection (j), as redesignated, and inserting in lieu thereof “is guaranteed pursuant to”; and

(7) by adding at the end thereof the following:

Outstanding
obligations,
limitation.

“(k) Notwithstanding any other provision of this section, the total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to subsection (a) shall not at any time exceed \$3,500,000,000 or such higher amount as may be authorized to be appropriated for sections 106 and 107 for any fiscal year.”.

REPORTING REQUIREMENTS

42 USC 5313. SEC. 109. Section 113(a) of the Housing and Community Development Act of 1974 is amended—

(1) by striking out “and” at the end of paragraph (1).

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof: “; and”; and

(3) by adding the following new paragraph after paragraph (2):

“(3) with respect to the action grants authorized under section 119, a listing of each unit of general local government receiving

funds and the amount of such grants, as well as a brief summary of the projects funded for each such unit, the extent of financial participation by other public or private entities, and the impact on employment and economic activity of such projects during the previous fiscal year.”.

URBAN DEVELOPMENT ACTION GRANTS

SEC. 110. (a) Section 104(a) of the Housing and Community Development Act of 1974 is amended by inserting “or section 119” after “106”. 42 USC 5304.

(b) Title I of such Act is amended by adding the following new section at the end thereof:

“URBAN DEVELOPMENT ACTION GRANTS

“SEC. 119. (a) In order to promote the primary objective of this title of the development of viable urban communities, of the total amount of authority approved in appropriation Acts under section 103(c), the Secretary is authorized to make urban development action grants to severely distressed cities and urban counties to help alleviate physical and economic deterioration through reclamation of neighborhoods having excessive housing abandonment or deterioration, and through community revitalization in areas with population outmigration or a stagnating or declining tax base. Grants made under this section shall be for the support of severely distressed cities and urban counties that require increased public and private assistance in addition to the assistance otherwise made available under this title and other forms of Federal assistance. 42 USC 5318.

“(b) Urban development action grants shall be made only to cities and urban counties that have, in the determination of the Secretary, demonstrated results in providing housing for persons of low- and moderate-income and in providing equal opportunity in housing and employment for low- and moderate-income persons and members of minority groups. The Secretary shall issue regulations establishing criteria in accordance with the preceding sentence and setting forth minimum standards for determining the level of physical and economic distress of cities and urban counties for eligibility for such grants, which standards shall take into account factors such as the age and condition of housing stock, including residential abandonment; average income; population outmigration; and stagnating or declining tax base. Criteria and standards, regulations.

“(c) Applications for assistance under this section shall— Applications.

“(1) include documentation of eligibility for grants in accordance with the standards described in subsection (b);

“(2) describe a concentrated urban development action program setting forth a comprehensive action plan and strategy to alleviate physical and economic distress through systematic change, which program shall be consistent with the community development program described in section 104(a)(2) and the housing assistance plan described in section 104(a)(4), and, where it exists and is in effect, the overall economic development plan as provided for in section 202(b)(10) of the Public Works and Economic Development Act of 1965, but only in the event and after such time as such plans are required by law or administrative action to be consistent with community development programs. Such program shall be developed as to take advantage of 42 USC 3142.

unique opportunities to attract private investment, stimulate investment in restoration of deteriorated or abandoned housing stock, or solve critical problems resulting from population out-migration or a stagnating or declining tax base;

“(3) include the activities to be undertaken in the urban development action program, together with the estimated costs and general locations of such activities;

“(4) indicate public and private resources which are expected to be made available toward achieving the action plan and strategy described in paragraph (2); and

Citizen
participation
plan.

“(5) provide satisfactory assurances that, prior to submission of its application, it has (A) prepared and followed a written citizen participation plan, which plan provides the opportunity for citizens to participate in the development of the application, with special attention to measures to encourage the statement of views and the submission of proposals by low- and moderate-income people and residents of blighted neighborhoods, and to scheduling hearings at times and locations which are convenient to all citizens, (B) provided citizens with adequate information concerning the amount of funds available for proposed activities under this section, the range of activities that may be undertaken, and other important program requirements, and (C) held public hearings to obtain the views of citizens on needs which may be dealt with under this section.

Public hearings.

Ante, p. 1114.
42 USC 5306.

“(d) To the extent that the application requirements of section 104(a)(4) have been satisfied in connection with a grant made pursuant to section 106, such requirements shall be determined to have been met for purposes of this section.

Selection
criteria.

“(e) In establishing criteria for the purpose of making grants under this section the Secretary shall establish selection criteria which must include (1) as the primary criterion, the comparative degree of physical and economic distress among applicants, as measured (in the case of a metropolitan city or urban county) by the differences in the extent of growth lag, the extent of poverty, and the adjusted age of housing in the metropolitan city or urban county; (2) other factors determined to be relevant by the Secretary in assessing the comparative degree of physical and economic deterioration in cities and urban counties; and (3) at least the following other criteria: demonstrated performance of the city or urban county in housing and community development programs; impact of the proposed urban development action program on the special problems of low- and moderate-income persons and minorities; extent of financial participation by other public or by private entities; extent of assistance to be made available by the State; impact on the physical, fiscal, or economic deterioration of the city or urban county; extent to which the program describes activities representing a special or unique opportunity to meet local priority needs or the objectives of this title; and feasibility of accomplishing the program in a timely fashion within the grant amount available.

“(f) In addition to activities authorized under section 105(a), an urban development action program may also include such additional community development and neighborhood development and conservation activities as the Secretary may determine to be consistent with the purposes of this section.

Consultation
and coordination.

“(g) No assistance shall be provided for business loans or industrial development under this section unless the Secretary shall first consult

with and coordinate such assistance with other Federal agencies which make available funds for similar activities.

“(h) The Secretary shall, at least on an annual basis, make reviews and audits of recipients of grants pursuant to this section as necessary to determine the progress made in carrying out activities substantially in accordance with approved plans and timetables. The Secretary may adjust, reduce, or withdraw grant funds, or take other action as appropriate in accordance with the findings of such review and audits, except that funds already expended on eligible activities under this title shall not be recaptured or deducted from future grants made to the recipient.

Annual reviews and audits.

“(i) No assistance may be provided under this section for projects intended to facilitate the relocation of industrial or commercial plants or facilities from one area to another, unless the Secretary finds that such relocation does not significantly and adversely affect the unemployment or economic base of the area from which such industrial or commercial plant or facility is to be relocated.

Relocation.

“(j) The Secretary shall allocate the amounts available for grants under this section in a manner which achieves a reasonable balance among programs that are designed primarily (1) to restore seriously deteriorated neighborhoods, (2) to reclaim for industrial purposes underutilized real property, and (3) to renew commercial employment centers.

“(k) Not less than 25 per centum of the funds made available for grants under this section shall be used for cities under fifty thousand population which are not central cities of a standard metropolitan statistical area.”.

REHABILITATION LOANS

SEC. 111. (a) Section 312(c)(4)(A) of the Housing Act of 1964 is amended—

42 USC 1452b.

(1) by striking out “the amount of a loan which could be insured by the Secretary of Housing and Urban Development under section 220(h) of the National Housing Act” and inserting in lieu thereof “\$27,000 per dwelling unit”; and

(2) by striking out “under such section”.

(b) Section 312(d) of such Act is amended by striking out “and not to exceed \$100,000,000 for the fiscal year beginning on October 1, 1976” and inserting in lieu thereof “not to exceed \$100,000,000 for the fiscal year beginning on October 1, 1976, and not to exceed \$60,000,000 for the fiscal year beginning on October 1, 1977”.

(c) Section 312(h) of such Act is amended by striking out “1977” each place it appears and inserting in lieu thereof “1979”.

COMPREHENSIVE PLANNING

SEC. 112. The second sentence of section 701(e) of the Housing Act of 1954 is amended by striking “and not to exceed \$100,000,000 for the fiscal year 1977” and inserting in lieu thereof “not to exceed \$100,000,000 for the fiscal year 1977, and not to exceed \$75,000,000 for the fiscal year 1978”.

40 USC 461.

STUDY ON SMALL CITIES

SEC. 113. The Secretary of Housing and Urban Development shall conduct a study and, not later than one year after the date of enact-

Report to President and Congress.
42 USC 5313 note.

ment of this Act, report to the President and to the Congress recommendations on the formation of a national policy on the developmental needs of small cities. In carrying out such study, the Secretary shall (1) take steps to improve the data available about small cities, (2) suggest means of reducing the duplication in government programs in jurisdictions which affect small cities, and (3) consider all of the relevant differences and similarities between small and large cities, particularly in the area of housing, growth, development patterns, infrastructure, education, energy needs, and social development. In addition, the Secretary shall include in the report alternative verifiable formulae to be used in the distribution of discretionary balance funds available for allocation to small cities under title I of the Housing and Community Development Act of 1974.

Alternative
formulae.

42 USC 5301.

EFFECTIVE DATE

42 USC 5301
note.

SEC. 114. The amendments made by this title shall become effective October 1, 1977.

TITLE II—HOUSING ASSISTANCE AND RELATED PROGRAMS

LOW-INCOME HOUSING

Annual
contributions.
42 USC 1437c.

SEC. 201. (a) The first sentence of section 5(c) of the United States Housing Act of 1937 is amended—

(1) by striking out “and” immediately following “July 1, 1975,” the first time it appears; and

(2) by inserting immediately after “on October 1, 1976,” the following: “and by \$1,159,995,000 on October 1, 1977.”

(b) Section 5(c) of such Act is amended by inserting after the third sentence the following: “Of the additional authority to enter into contracts for annual contributions provided on October 1, 1977, and approved in appropriation Acts, the Secretary shall make available not less than \$42,500,000 for modernization of low-income housing projects, not less than \$197,139,200 for low-income housing projects permanently financed by loans from State housing finance or State development agencies, as defined in section 802(b)(2)(A) of the Housing and Community Development Act of 1974, and not less than \$120,000,000 for low-income housing projects permanently financed by loans pursuant to section 202 of the Housing Act of 1959.”

42 USC 1440.

Post, p. 1129.
42 USC 1437f.

(c) Section 8(c)(1) of such Act is amended by adding the following new sentence at the end thereof: “Notwithstanding any other provision of this section, after the date of enactment of the Housing and Community Development Act of 1977, the Secretary shall prohibit high-rise elevator projects for families with children unless there is no practical alternative.”

(d) Section 8(c)(4) of such Act is amended by striking out the following: “(i) if the unoccupied unit is in a project insured under the National Housing Act, except pursuant to section 244 of such Act, or (ii)”.

(e)(1) Section 8(d) of such Act is amended by adding the following new paragraph at the end thereof:

“(3) Notwithstanding any other provision of law, with the approval of the Secretary the public housing agency administering a contract under this section with respect to existing housing units may exercise all management and maintenance responsibilities with respect to those

units pursuant to a contract between such agency and the owner of such units.”.

(2) Section 8(e) (2) of such Act is amended by adding the following new sentence at the end thereof: “In approving any public housing agency to assume all the management and maintenance responsibilities of any dwelling unit under the preceding sentence, the Secretary may do so without regard to whether such agency administers the housing assistance payment contract for that unit.”.

42 USC 1437f.

(f) Section 9(c) of such Act is amended—

Annual
contributions.
42 USC 1437g.

(1) by striking out “and” immediately following “on or after July 1, 1976,”; and

(2) by inserting immediately before the period at the end thereof the following: “, and not to exceed \$685,000,000 on or after October 1, 1977”.

(g) The Secretary of Housing and Urban Development shall conduct a study of payments in lieu of taxes made under section 6(d) of the United States Housing Act of 1937 and report to the Congress on the status and adequacy of such payments not later than twelve months after the date of enactment of this section.

Study.
Report to
Congress.
42 USC 1437d.

(h) Section 208 of the Housing and Community Development Act of 1974 is amended by inserting “, including the right to renewal of such lease to the maximum term permitted by law,” after “United States Housing Act of 1937”.

42 USC 1421b
note.

SECTION 202 HOUSING FOR THE ELDERLY

SEC. 202. (a) Section 202(d) (3) of the Housing Act of 1959 is amended by inserting the following before the period at the end thereof: “, which cost shall be determined without regard to mortgage limits applicable to housing projects subject to mortgages insured under section 231 of the National Housing Act”.

12 USC 1701q.

(b) Section 202 of such Act is amended by adding at the end thereof the following new subsection:

12 USC 1715v.

“(g) In carrying out the provisions of this section and section 8 of the United States Housing Act of 1937, the Secretary shall issue and implement regulations, as soon as practicable after the date of enactment of Housing and Community Development Act of 1977, which shall provide that the processing of any application for a loan for a project under this section and the processing of any application for assistance under such section 8 with respect to housing units in the same such project shall be coordinated in an economical and efficient manner.”.

Applications
processing,
regulations.
42 USC 1437f.

URBAN HOMESTEADING DEMONSTRATION

SEC. 203. Section 810(g) of the Housing and Community Development Act of 1974 is amended by striking out “and not to exceed \$5,000,000 for the fiscal year 1978” and inserting in lieu thereof “and not to exceed \$15,000,000 for the fiscal year 1978”.

12 USC 1706e.

RESEARCH AUTHORIZATION

SEC. 204. The second sentence of section 501 of the Housing and Urban Development Act of 1970 is amended by inserting before the period at the end thereof the following: “, and not to exceed \$60,000,000 for the fiscal year 1978”.

12 USC 1701z-1.

SECTION 235 ASSISTANCE FOR COOPERATIVES

12 USC 1715z.

SEC. 205. Section 235(b)(2)(A) of the National Housing Act is amended by inserting "or section 221(d)(3)" immediately after "financed with a mortgage insured under section 213".

SECTION 236 OPERATING SUBSIDIES

Monthly
assistance
payment.
Contracts.
12 USC 1715z-1.

SEC. 206. (a) Section 236(f)(3) of the National Housing Act is amended by striking out the second and third sentences and inserting in lieu thereof the following: "The Secretary is authorized to make, and shall contract to make to the extent of the moneys in the reserve fund established under subsection (g) and to the further extent of funds authorized in appropriation Acts, an additional monthly assistance payment to the project owner up to the amount by which the sum of the cost of utilities and local property taxes exceeds the initial operating expense level. Such payment shall be used by the project owner solely to effect, and there shall be, a reduction in the basic rental charges established for the project. Any contract to make additional monthly assistance payments shall be for a one-year period and shall be adjusted periodically to provide, to the extent approved in appropriation Acts, for continuation of the payments and for an appropriate adjustment in the amount of the assistance payments."

(b) Section 236(f)(3) of such Act is further amended by striking out "only if the Secretary finds that the increase in the cost of utilities or local property taxes is reasonable and is" in the last sentence and inserting in lieu thereof "unless the Secretary finds that the increase in the cost of utilities or local property taxes is not reasonable or not".

(c) Section 236(g) of such Act is amended by striking out "1974" in the fourth sentence and inserting in lieu thereof "1977".

Effective
date.
12 USC 1715z-1
note.

(d) The amendments made by this section shall become effective on October 1, 1977, and shall apply to assistance payments pursuant to section 236(f)(3) of the National Housing Act with respect only to periods commencing on or after such date.

HOUSING ASSISTANCE PLANS

Funds,
allocation and
reservation.
42 USC 1439.

SEC. 207. Section 213(d)(1) of the Housing and Community Development Act of 1974 is amended by inserting after the first sentence the following new sentence: "The Secretary shall assure, to the maximum extent practicable in carrying out the national housing and community development objectives, that funds available for each housing assistance program referred to in subsection (a) shall be allocated or reserved in accordance with goals described in local, State, or other housing assistance plans approved by the Secretary pursuant to section 104, and shall be utilized to meet needs reflected in data referred to in the preceding sentence."

Ante, p. 1114.

NEW COMMUNITIES

42 USC 4521.

SEC. 208. Section 720(a) of the Housing and Urban Development Act of 1970 is amended by striking out "October 1, 1977" and inserting in lieu thereof "October 1, 1978".

TREASURY DRAW AUTHORITY

SEC. 209. Section 14(b) of the Federal Reserve Act is amended by striking out “November 1, 1978” and inserting in lieu thereof “October 1, 1977”; and by striking out “October 31, 1978” and inserting in lieu thereof “September 30, 1977”. 12 USC 355.

TITLE III—FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE AND RELATED PROGRAMS

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

SEC. 301. (a) Section 2(a) of the National Housing Act is amended by striking out “October 1, 1977” in the first sentence and inserting in lieu thereof “October 1, 1978”. 12 USC 1703.

(b) Section 217 of such Act is amended by striking out “September 30, 1977” and inserting in lieu thereof “September 30, 1978”. 12 USC 1715h.

(c) Section 221(f) of such Act is amended by striking out “September 30, 1977” in the fifth sentence and inserting in lieu thereof “September 30, 1978”. 12 USC 1715l.

(d) Section 235(m) of such Act is amended by striking out “September 30, 1977” and inserting in lieu thereof “September 30, 1978”. 12 USC 1715z.

(e) Section 236(n) of such Act is amended by striking out “September 30, 1977” and inserting in lieu thereof “September 30, 1978”. 12 USC 1715z-1.

(f) Section 244(d) of such Act is amended—

(1) by striking out “September 30, 1977” in the first sentence and inserting in lieu thereof “September 30, 1978”; and

(2) by striking out “October 1, 1977” in the second sentence and inserting in lieu thereof “October 1, 1978”. 12 USC 1715z-9.

(g) Section 245 of such Act is amended by striking out “September 30, 1977” where it appears and inserting in lieu thereof “September 30, 1978”. 12 USC 1715z-10.

(h) Section 809(f) of such Act is amended by striking out “September 30, 1977” in the second sentence and inserting in lieu thereof “September 30, 1978”. 12 USC 1748h-1.

(i) Section 810(k) of such Act is amended by striking out “September 30, 1977” in the second sentence and inserting in lieu thereof “September 30, 1978”. 12 USC 1748h-2.

(j) Section 1002(a) of such Act is amended by striking out “September 30, 1977” in the second sentence and inserting in lieu thereof “September 30, 1978”. 12 USC 1749bb.

(k) Section 1101(a) of such Act is amended by striking out “September 30, 1977” in the second sentence and inserting in lieu thereof “September 30, 1978”. 12 USC 1749aaa.

EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY

SEC. 302. Section 3(a) of the Act entitled “An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans’ home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes”, approved May 7, 1968, as amended (12 U.S.C. 1709-1), is amended by striking out “October 1, 1977” and inserting in lieu thereof “October 1, 1978”. 12 USC 1709-1.

INCREASE IN MAXIMUM MORTGAGE AMOUNTS UNDER FEDERAL HOUSING
ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

- 12 USC 1709. SEC. 303. (a) Section 203(b)(2) of the National Housing Act is amended by striking out "\$45,000", "\$48,750", and "\$56,000" wherever they appear and inserting in lieu thereof, "\$60,000", "\$65,000", and "\$75,000", respectively.
- 12 USC 1715k. (b) Section 220(d)(3)(A) of such Act is amended by striking out "\$45,000", "\$48,750", and "\$56,000" wherever they appear and inserting in lieu thereof "\$60,000", "\$65,000", and "\$75,000", respectively.
- 12 USC 1715l. (c) Section 221(d)(2)(A) of such Act is amended by—
- (1) striking out "\$25,000", "\$29,000", and "\$33,000" each place they appear and inserting in lieu thereof "\$31,000", "\$36,000", and "\$42,000", respectively; and
 - (2) striking out "\$28,000", "\$38,880", "\$47,520", "\$36,000", "\$46,080", and "\$54,720", and inserting in lieu thereof "\$35,000", "\$48,600", "\$59,400", "\$45,000", "\$57,600", and "\$68,400", respectively.
- 12 USC 1715m. (d) Section 222(b)(2) of such Act is amended by striking out "\$45,000" and inserting in lieu thereof "\$60,000".
- 12 USC 1715y. (e) Clause (A) of the third sentence of section 234(c) of such Act is amended by striking out "\$45,000" and inserting in lieu thereof "\$60,000".
- Home-ownership or membership in cooperative association for lower income families.
12 USC 1715z. (f) Section 235 of such Act is amended—
- (1) by striking out, in the last proviso in subsection (b)(2), "\$25,000", "\$29,000", "\$29,000", and "\$33,000," and inserting in lieu thereof "\$32,000", "\$38,000", "\$38,000", and "\$44,000", respectively;
 - (2) by striking out, in subsection (i)(3)(B) "\$25,000", "\$29,000", "\$29,000", and "\$33,000" and inserting in lieu thereof "\$32,000", "\$38,000", "\$38,000", and "\$44,000", respectively;
 - (3) by striking out "and" at the end of subparagraph (B) of subsection (i)(3);
 - (4) by redesignating subparagraph (C) of subsection (i)(3) as subparagraph (E) and inserting immediately following subparagraph (B) the following new subparagraphs:

"(C) involve, in the case of a dwelling unit other than a condominium or cooperative unit, a principal obligation including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) in an amount not to exceed \$32,000 (\$38,000 in any geographical area where the Secretary authorizes an increase on the basis of a finding that cost levels so require), except that with respect to any family with five or more persons the foregoing limits shall be \$38,000 and \$44,000, respectively;

"(D) involve, in the case of a two-family dwelling, a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) in an amount not to exceed \$44,000 (\$49,000 in any geographical area where the Secretary authorizes an increase on the basis of a finding that cost levels so require); and";

and
 - (5) by adding the following new subsection at the end thereof:

"(n) No mortgage may be insured under this section on a unit in a subdivision, after the effective date of enactment of this subsection,

which, when added to any other mortgages insured under this section in that subdivision after such date, represents more than 40 per centum of the total number of units in the subdivision, except that the preceding limitation shall not apply with regard to any rehabilitated unit, or to any unit or subdivision located or to be located in an established urban neighborhood or area, where a sound proposal is involved and where an aggregation of subsidized units is essential to a community sponsored overall redevelopment plan, as determined by the Secretary.”.

(g) Section 203(i) of such Act is amended by striking out “\$16,200” and inserting in lieu thereof “75 per centum of the limit on the principal obligation applicable to a one-family residence under subsection (b) of this section”. 12 USC 1709.

DECREASE IN DOWNPAYMENT REQUIREMENTS

SEC. 304. (a) Section 203(b)(2) of the National Housing Act is amended—

(1) by striking out, in clause (i) of the first sentence, all the parenthetical language which begins “(but, in any case”;

(2) by striking out clauses (ii) and (iii) in the first and second sentences and inserting in lieu thereof in each sentence “and (ii) 95 per centum of such value in excess of \$25,000.”; and

(3) by inserting immediately after the second sentence the following: “Notwithstanding any other provision of this section, in any case where the dwelling is not approved for mortgage insurance prior to the beginning of construction, such mortgage shall not exceed 90 per centum of the entire appraised value of the property as of the date the mortgage is accepted for insurance, unless the dwelling was completed more than one year prior to the application for mortgage insurance, or the dwelling was approved for guaranty, insurance, or a direct loan under chapter 37 of title 38, United States Code, prior to the beginning of construction.”.

38 USC 1801 *et seq.*

(b) Section 220(d)(3)(A)(i) of such Act is amended—

12 USC 1715k.

(1) by striking out the comma at the end of clause (1) and all of clauses (2) and (3) in the matter preceding the first proviso and inserting in lieu thereof “and (2) 95 per centum of such value in excess of \$25,000”; and

(2) by striking out in the second proviso the comma at the end of clause (1) and all of clauses (2) and (3) and inserting in lieu thereof “and (2) 95 per centum of such value in excess of \$25,000”.

(c) Section 222(b)(3) of such Act is amended by striking out clauses (ii) and (iii) and inserting in lieu thereof “and (ii) 95 per centum of such value in excess of \$25,000.”. 12 USC 1715m.

(d) The third sentence of section 234(c) of such Act is amended by striking out clauses (A)(ii) and (A)(iii) and inserting in lieu thereof “and (ii) 95 per centum of such value in excess of \$25,000.”. 12 USC 1715y.

AUTHORITY TO INCREASE MORTGAGE INSURANCE PREMIUM FOR SECTION 203(N)

SEC. 305. Section 203(c) of the National Housing Act is amended by inserting the following before the colon preceding the first proviso: “*Provided*, That premium charges fixed for insurance under subsection (n) is not required to be the same as the premium charges for mortgages insured under the other provisions of this section, but in 12 USC 1709.

no case shall premium charges under subsection (n) exceed 1 per centum per annum”.

MAXIMUM MORTGAGE AMOUNT AND MATURITY UNDER TITLE I OF THE
NATIONAL HOUSING ACT

12 USC 1703. SEC. 306. (a) The first sentence of section 2(b) of the National Housing Act is amended—

(1) by striking out “\$10,000” the first time it appears in clause (1) and inserting in lieu thereof “\$15,000”; and

(2) by striking out “twelve years” in clause (2) and inserting in lieu thereof “fifteen years”.

(b) Section 2(b) of such Act is amended by striking out “\$12,500 (\$20,000” in clause (1) and inserting in lieu thereof “\$16,000 (\$24,000”; and by inserting the following before the semicolon at the end of the proviso in clause (2): “(twenty-three years and thirty-two days in the case of a mobile home composed of two or more modules)”.

(c) Subparagraph (B) of the second paragraph of section 2(b) of such Act and subparagraph (B) of the third paragraph of such section 2(b) are each amended by striking out “twenty years” and inserting in lieu thereof in each case “twenty-three years”.

(d) Section 2(b) of such Act is amended by adding at the end thereof the following new undesignated paragraph:

Increase,
regulation.

“Because of prevailing higher costs, the Secretary may, by regulation, in Alaska, Guam, or Hawaii, increase any dollar amount limitation on mobile homes or mobile home lot loans contained in this subsection by not to exceed 40 per centum.”.

SECTION 203 INSURANCE IN CERTAIN COMMUNITIES

12 USC 1709. SEC. 307. Section 203 of the National Housing Act is amended by adding at the end thereof the following:

“(o) (1) Notwithstanding any other provision of this section or any other section of this title, the Secretary is authorized to insure, and to commit to insure, under subsection (b) of this section as modified by this subsection a mortgage which meets both the requirements of this subsection and such criteria as the Secretary by regulation may prescribe to further the purpose of this subsection, in any community where the Secretary determines that—

“(A) temporary adverse economic conditions exist throughout the community as a direct and primary result of outstanding claims to ownership of land in the community by an American Indian tribe, band, or Nation;

“(B) such ownership claims are reasonably likely to be settled, by court action or otherwise;

“(C) as a direct result of the community’s temporarily impaired economic condition, owner occupants of homes in the community have been involuntarily unemployed or underemployed and have thus incurred substantial reductions in income which significantly impair their ability to continue timely payment of their mortgages;

“(D) as a result, widespread mortgage foreclosures and distress sales of homes are likely in the community; and

“(E) fifty or more individual homeowners were joined as parties defendant or were members of a defendant class prior to December 31, 1976, in litigation involving claims to ownership of land in the community by an American Indian tribe, band, or Nation.

“(2) A mortgage shall be eligible for insurance under subsection (b) of this section as modified by this subsection without regard to limitations in this title relating to a mortgagor’s reasonable ability to pay, economic soundness, marketability of title, or any other statutory restriction which the Secretary determines is contrary to the purpose of this subsection, but only if the mortgagor is an owner occupant of a home in a community specified in paragraph (1) who, as a direct result of the community’s temporarily impaired economic condition, has been involuntarily unemployed or underemployed and has thus incurred a substantial reduction in income which significantly impairs the owner’s ability to continue timely payment of the mortgage. The Secretary is authorized to encourage or afford directly to or on behalf of mortgagors whose mortgages are insured under subsection (b) as modified by this subsection forbearance, assignment of mortgages to the Secretary, or such other relief as the Secretary deems appropriate and consistent with the purpose of this subsection. The Secretary, in connection with any mortgage insured under subsection (b) as modified by this subsection, shall have all statutory powers, authority, and responsibilities which the Secretary has with respect to other mortgages insured under subsection (b), except that the Secretary may modify such powers, authority, or responsibilities where the Secretary deems such action to be necessary because of the special nature of the mortgage involved. Notwithstanding section 202 of this title, the insurance of a mortgage under subsection (b) of this section as modified by this subsection shall be the obligation of the Special Risk Insurance Fund created pursuant to section 238 of this title.”.

Mortgage
eligibility.

12 USC 1708.

12 USC 1715z-3.

MISCELLANEOUS MORTGAGE INSURANCE

SEC. 308. (a) Sections 232(d)(4) and 242(d)(4) of the National Housing Act are amended by inserting “or section 1521” after “section 604(a)(1)”.

12 USC 1715w,
1715z-7.

(b) Section 242(c) of such Act is amended by adding the following sentence at the end thereof: “No mortgage insurance premium shall be charged with respect to the amount of principal and interest guaranteed by the Department of Health, Education, and Welfare under title VII of the Public Health Service Act.”.

42 USC 292.

MORTGAGE INSURANCE IN MILITARY IMPACTED AREAS

SEC. 309. Section 238(c) of the National Housing Act is amended to read as follows:

12 USC 1715z-3.

“(c)(1) Notwithstanding the provisions of this or any other Act, and without regard to limitations upon eligibility contained in any section of this title, the Secretary is authorized, upon application by the mortgagee, to insure under any section of this title a mortgage executed in connection with the construction, repair, rehabilitation, or purchase of property located near any installation of the Armed Forces of the United States in federally impacted areas in which the conditions are such that one or more of the eligibility requirements applicable to the section under which insurance is sought could not be met, if (A) the Secretary finds that the benefits to be derived from such use outweigh the risk of probable cost to the Government, and (B) the Secretary of Defense certifies that there is no intention insofar as can reasonably be foreseen to curtail substantially the personnel assigned or to be assigned to such installation. The insurance of a

mortgage pursuant to this subsection shall be the obligation of the Special Risk Insurance Fund.

Premiums
and other
charges,
establishment.

"(2) The Secretary is authorized (A) to establish such premiums and other charges as may be necessary to assure that the mortgage insurance program pursuant to this subsection is made available on a basis which, in the Secretary's judgment, is designed to be actuarially sound and likely to maintain the fiscal integrity of such program, and (B) to prescribe such terms and conditions relating to insurance pursuant to this subsection as may be found by the Secretary to be necessary and appropriate, and which are to the maximum extent possible, consistent with provisions otherwise applicable to mortgage insurance and payment of insurance benefits."

EXPERIMENTAL FINANCING

12 USC
1715z-10.

SEC. 310. (a) Section 245 of the National Housing Act is amended—

(1) by striking out "on an experimental basis" in the first sentence;

Principal
obligation,
limitation.

(2) by striking out the second sentence and inserting in lieu thereof the following: "Notwithstanding any other provision of this title the principal obligation (including all interest to be deferred and added to principal) of a mortgage insured pursuant to this section may not exceed 97 per centum of the appraised value of the property covered by the mortgage as of the date the mortgage is accepted for insurance, or if the mortgagor is a veteran and the mortgage is to be insured in accordance with the provisions of section 203 of this title, such higher percentage of appraised value as is provided for purposes of determining the maximum mortgage amount eligible for insurance under section 203 (b) (2) in the case of veterans."; and

12 USC 1709.

Ante, p. 1132.

Graduated
mortgage
provisions.

(3) by adding at the end thereof the following new sentence:

"Any mortgage or loan insured pursuant to this section which contains or sets forth any graduated mortgage provisions (including but not limited to provisions for adding deferred interest to principal) which are authorized under this section and applicable regulations, or which have been insured on the basis of their being so authorized, shall not be subject to any State constitution, statute, court decree, common law, or rule or public policy limiting the amount of interest which may be charged, taken, received, or reserved, or the manner of calculating such interest (including but not limited to prohibitions against the charging of interest on interest), if such statute, court decree, common law, or rule would not apply to the mortgage or loan in the absence of such graduated payment mortgage provisions."

(b) The caption of section 245 of such Act is amended to read as follows:

"GRADUATED PAYMENT MORTGAGES".

TITLE IV—LENDING POWERS OF FEDERAL SAVINGS AND LOAN ASSOCIATIONS; SECONDARY MARKET AUTHORITIES

CONSTRUCTION LOANS

12 USC 1464.

SEC. 401. The twenty-first undesignated paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended by striking out "3 per centum" and inserting in lieu thereof "5 per centum".

SINGLE FAMILY DWELLING LIMITATIONS

SEC. 402. The first undesignated paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended by striking out "\$55,000" and inserting in lieu thereof "\$60,000", and by inserting "but of said 20 per centum the amount deemed to be loaned in transactions which, except for excess in amount, would be eligible for such association under provisions of this sentence (other than this exception) or under the next following sentence shall be only the outstanding amount of such excess," immediately after "improved real estate without regard to the foregoing limitations,". 12 USC 1464.

LENDING AUTHORITY

SEC. 403. The twenty-second undesignated paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended by inserting "or farm" immediately after "residential".

PROPERTY IMPROVEMENT LOANS

SEC. 404. The second and third undesignated paragraphs of section 5(c) of the Home Owners' Loan Act of 1933 are amended by striking out "\$10,000" and inserting in lieu thereof "\$15,000".

MULTIFAMILY DWELLING LIMITATIONS

SEC. 405. The first sentence of section 5(c) of the Home Owners' Loan Act of 1933 is amended by striking out ", and the Board shall by regulation limit to not more than 20 per centum of the assets of the association the aggregate amount or amounts of the investments which may be made by an association under the foregoing provisions of this sentence on the security of property which comprises or includes more than four dwelling units or does not constitute homes or combinations of homes and business property".

CONFORMING AMENDMENT TO FEDERAL HOME LOAN BANK ACT

SEC. 406. Section 10(b) of the Federal Home Loan Bank Act is amended by striking out "\$55,000 (except that with respect to dwellings in Alaska, Guam, and Hawaii the foregoing limitations may, by regulation of the Board be increased by not to exceed 50 per centum)" and inserting in lieu thereof the following: "the dollar limitation under the first proviso of the first sentence of section 5(c) of the Home Owners' Loan Act of 1933, as amended,". 12 USC 1430.

Supra.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION HOME PURCHASE
ASSISTANCE

SEC. 407. (a) Section 313(a)(1) of the National Housing Act is amended by adding at the end thereof the following: "To the extent feasible and consistent with the primary purpose of this section to stabilize housing production, the Secretary may direct the exercise of the authority conferred by this section to promote homeownership opportunities for moderate-income families." 12 USC 1723e.

(b) Section 313(a) of such Act is amended by adding at the end thereof the following:

Regulations.

“(3) In carrying out the authority conferred by this section, the Secretary may require the Association to utilize a part of the authority to purchase mortgages under this section for the purchase of mortgages executed to finance the rehabilitation or acquisition and rehabilitation of housing in older or declining neighborhoods to the extent such action is feasible and consistent with the primary purpose of this section, and for the purpose of this paragraph, the Secretary is authorized to prescribe such regulations as may be appropriate.”.

12 USC 1723e.

(c) (1) Section 313(b) (B) of such Act is amended by inserting after “\$42,000” the following: “(\$49,000 in the case of any property with respect to which assistance payments pursuant to section 8 of the United States Housing Act of 1937 are being or will be made and which is located in any geographical area where the Secretary authorizes an increase on the basis of a finding that cost levels so require)”.

42 USC 1437f.

(2) Section 313(b) (D) of such Act is amended by inserting after “Secretary” the following: “and \$55,000 in the case of any property with respect to which assistance payments pursuant to section 8 of the United States Housing Act of 1937 are being or will be made and which is located in any geographical area where the Secretary authorizes an increase on the basis of a finding that cost levels so require”.

(d) Section 313(g) of such Act is amended by adding at the end thereof the following: “The Association’s purchases and commitments under this section during fiscal year 1978 may not exceed \$7,500,000,000.”.

12 USC 1723e
note.

(e) Section 3(b) of the Emergency Home Purchase Assistance Act of 1974 is amended by striking out “October 1, 1977” and inserting in lieu thereof “October 1, 1978”.

LIMIT ON AMOUNT OF A CONVENTIONAL MORTGAGE WHICH MAY BE PURCHASED BY FEDERAL NATIONAL MORTGAGE ASSOCIATION OR FEDERAL HOME LOAN MORTGAGE CORPORATION

12 USC 1717.

SEC. 408. (a) The last sentence of section 302(b) (2) of the National Housing Act is amended by inserting “by more than 25 per centum” after “exceed”.

12 USC 1454.

(b) The last sentence of section 305(a) (2) of the Federal Home Loan Mortgage Corporation Act is amended by inserting “by more than 25 per centum” after “exceed”.

12 USC 1723a.
Review; study.

(c) Section 309(h) of the National Housing Act is amended by inserting at the end thereof the following: “Pursuant to the authority provided in this subsection, the Secretary shall conduct a review of the financial operations of the corporation and undertake a study of the extent to which the activities of the corporation meet the purposes of this title. Such review and study shall be completed and transmitted to the Congress on or before July 1, 1978.”.

Transmittal
to Congress.

TITLE V—RURAL HOUSING

AUTHORIZATIONS

42 USC 1483.

SEC. 501. (a) Section 513 of the Housing Act of 1949 is amended—

(1) by striking out “September 30, 1977” in clauses (b), (c), and (d), and inserting in lieu thereof “September 30, 1978”; and

(2) by striking out “\$80,000,000” in clauses (b) and (c) and inserting in lieu thereof “\$105,000,000”.

42 USC 1485.

(b) Section 515(b) (5) of such Act is amended by striking out “September 30, 1977” and inserting in lieu thereof “September 30, 1978”.

(c) Section 517(a)(1) of such Act is amended by striking out “September 30, 1977” and inserting in lieu thereof “September 30, 1978”. 42 USC 1487.

(d) Section 523(f) of such Act is amended—

42 USC 1490c.

(1) by striking out “October 1, 1977” and inserting in lieu thereof “October 1, 1978”; and

(2) by striking out “September 30, 1977” and inserting in lieu thereof “September 30, 1978”.

CHANGES IN THE GUARANTEED HOUSING LOAN PROGRAM

SEC. 502. (a) Section 502(b)(3) of the Housing Act of 1949 is amended by inserting “except for guaranteed loans,” after “(3)”. 42 USC 1472.

(b) Section 517(e) of such Act is amended by inserting after the first sentence the following new sentence: “The guaranteed loan program under this title shall be operated separately from the insured loan program operated under this title and no funds designated for one program may be transferred to another program.” Rural Housing Insurance Fund. 42 USC 1487. Transfer of funds.

(c) Section 517 of such Act is amended by adding the following new subsection at the end thereof:

“(n) Loans guaranteed under this section shall be made only to borrowers with above-moderate incomes.”

(d) Section 521(a)(1) of such Act is amended by adding at the end thereof the following: “Any loan guaranteed under this title shall bear interest at such rate as may be agreed upon by the borrower and the lender.” Interest rates. 42 USC 1490a.

PREPAYMENT OF TAXES AND SIMILAR ITEMS BY FARMERS HOME ADMINISTRATION BORROWERS

SEC. 503. Section 501(e) of the Housing Act of 1949 is amended by striking out the second sentence and inserting in lieu thereof the following: “Such payments shall be disbursed by the Secretary at the appropriate time or times for the purposes for which such payments are made, and after October 1, 1977, if the prepayments made by the borrower are not sufficient to pay the amount due, advances may be made by the Secretary to pay these costs in full, which advances shall be charged to the account of the borrower and bear interest and be payable in a timely fashion not to exceed two years, as determined by the Secretary.” 42 USC 1471.

COMPENSATION FOR CONSTRUCTION DEFECTS

SEC. 504. Section 509 of the Housing Act of 1949 is amended by adding at the end thereof the following new subsections: 42 USC 1479.

“(c) The Secretary is authorized, after October 1, 1977, with respect to any unit or dwelling newly constructed during the period beginning eighteen months prior to the date of enactment of the Housing and Community Development Act of 1977 and purchased with financial assistance authorized by this title which he finds to have structural defects to make expenditures for (1) correcting such defects, (2) paying the claims of the owner of the property arising from such defects, or (3) acquiring title to the property, if such assistance is requested by the owner of the property within eighteen months after financial assistance under this title is rendered to the owner of the property or, in the case of property with respect to which assistance was made available within eighteen months prior to the date of enactment of the Housing and Community Develop-

ment Act of 1977, within eighteen months after such date of enactment. Expenditures pursuant to this subsection may be paid from the Rural Housing Insurance Fund. Decisions by the Secretary regarding such expenditures or payments under this subsection, and the terms and conditions under which the same are approved or disapproved, shall not be subject to judicial review.

Terms and
conditions.

“(d) The Secretary shall, by regulation, prescribe the terms and conditions under which expenditures and payments may be made under the provisions of this section.”.

FARM LABOR HOUSING LOANS AND GRANTS IN PUERTO RICO AND THE
VIRGIN ISLANDS

42 USC 1484.

SEC. 505. Section 514(f) (3) of the Housing Act of 1949 is amended to read as follows:

“Domestic
farm labor.”

“(3) the term ‘domestic farm labor’ means persons who receive a substantial portion (as determined by the Secretary) of their income as laborers on farms situated in the United States, Puerto Rico, or the Virgin Islands and either (A) are citizens of the United States, or (B) reside in the United States, Puerto Rico, or the Virgin Islands after being legally admitted for permanent residence therein.”.

PURPOSES FOR WHICH FUNDS FROM THE RURAL HOUSING INSURANCE FUND
MAY BE USED

42 USC 1487.

SEC. 506. Section 517(j) of the Housing Act of 1949 is amended—

(1) by striking out “and” at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

Ante, p. 1139.

“(5) after October 1, 1977, and as approved in appropriations Acts, to make advances authorized by section 501(e); and

Ante, p. 1139.

“(6) after October 1, 1977, and as approved in appropriations Acts, to make the expenditures authorized by section 509(c).”.

HOUSING FOR THE ELDERLY AND HANDICAPPED

42 USC 1471.

SEC. 507. (a) Title V of the Housing Act of 1949 is amended—

(1) by striking out “elderly persons” in section 501(a)(3) and inserting in lieu thereof “elderly or handicapped persons or families”;

(2) by striking out “that he is an elderly person in a rural area without an adequate dwelling or related facilities for his own use,” in section 501(c)(1) and inserting in lieu thereof “that the applicant is an elderly or handicapped person or family in a rural area without an adequate dwelling or related facility for its own use.”;

42 USC 1485.

(3) by striking out “elderly persons and elderly families” in subsections (a) and (b) of section 515 and inserting in lieu thereof “elderly or handicapped persons or families”;

42 USC 1490a.

(4) by striking out “elderly persons and elderly families” in section 521(a)(1) and inserting in lieu thereof “elderly or handicapped persons or families”; and

(5) by inserting “or handicapped” after “elderly” in clause (i) of the last sentence of section 521(a)(2)(A).

(b) Section 501(b)(3) of such Act is amended to read as follows:

“(3) For the purposes of this title, the term ‘elderly or handicapped persons or families’ means families which consist of two or more persons, the head of which (or his or her spouse) is at least sixty-two years of age or is handicapped. Such term also means a single person who is at least sixty-two years of age or is handicapped. A person shall be considered handicapped if such person is determined, pursuant to regulations issued by the Secretary, to have an impairment which (A) is expected to be of long-continued and indefinite duration, (B) substantially impedes his ability to live independently, and (C) is of such a nature that such ability could be improved by more suitable housing conditions, or if such person is a developmentally disabled individual as defined in section 102(7) of the Developmental Disabilities Services and Facilities Construction Act. The Secretary shall prescribe such regulations as may be necessary to prevent abuses in determining, under the definitions contained in this paragraph, eligibility of families and persons for admission to and occupancy of housing constructed with assistance under this title. Notwithstanding the preceding provisions of this paragraph, such term also includes two or more elderly (sixty-two years of age or over) or handicapped persons living together, one or more such persons living with another person who is determined (under regulations prescribed by the Secretary) to be essential to the care or well-being of such persons, and the surviving member or members of any family described in the first sentence of this paragraph who were living, in a unit assisted under this title, with the deceased member of the family at the time of his or her death.”.

42 USC 1471.
“Elderly or handicapped persons or families.”

42 USC 6001.

CONGREGATE HOUSING FOR ELDERLY AND HANDICAPPED FAMILIES

SEC. 508. (a) Section 515(c) of the Housing Act of 1949 is amended by adding at the end thereof the following new sentence: “However, specifically designed equipment required by elderly or handicapped persons or families shall not be considered elaborate or extravagant.”.

42 USC 1485.

(b) Section 515(d)(1) of such Act is amended by adding at the end thereof the following: “; and such term also means congregate housing facilities for elderly or handicapped persons or families who require some supervision and central services but are otherwise able to care for themselves; such housing for the handicapped may be utilized in conjunction with educational and training facilities;”.

(c) Section 515(d)(3) of such Act is amended to read as follows:

“(3) the term ‘congregate housing’ means housing in which (A) some of the units may not have kitchen facilities, and (B) there is a central dining facility to provide wholesome and economic meals for elderly or handicapped persons or families.”.

“Congregate housing.”

PROVIDING FOR A DIVISION OF INSURED RURAL HOUSING LOANS

SEC. 509. Section 517 of the Housing Act of 1949 (as amended by section 502(c)) is amended by adding at the end thereof the following new subsection:

Ante, p. 1139.

“(o) At least 60 per centum of the amount of loans made pursuant to sections 502 and 515 shall benefit persons of low income.”.

42 USC 1472, 1485.

RURAL HOUSING RESEARCH

42 USC 1476. SEC. 510. Section 506(d) of the Housing Act of 1949 is amended to read as follows:

Research capacity, establishment. “(d) In order to carry out this section, the Secretary shall establish a research capacity within the Farmers Home Administration which shall have authority to undertake, or to contract with any public or private body to undertake, research authorized by this section.”

RURAL RENTAL ASSISTANCE

42 USC 1490a. SEC. 511. Section 521(a)(2)(A) of the Housing Act of 1949 is amended by striking out “may” wherever it appears, except in clause (i), and inserting in lieu thereof “shall”.

TAXATION OF FARMERS HOME ADMINISTRATION-HELD PROPERTY

42 USC 1490h. SEC. 512. (a) Title V of the Housing Act of 1949 is amended by adding the following new section at the end thereof:

“SEC. 528. All property subject to a lien held by the United States or the title to which is acquired or held by the Secretary under this title other than property used for administrative purposes shall be subject to taxation by a State, Commonwealth, territory, possession, district, and local political subdivisions in the same manner and to the same extent as other property is taxed: *Provided*, That no tax shall be imposed or collected on or with respect to any instrument if the tax is based on—

“(1) the value of any notes or mortgages or other lien instruments held by or transferred to the Secretary;

“(2) any notes or lien instruments administered under this title which are made, assigned, or held by a person otherwise liable for such tax; or

“(3) the value of any property conveyed or transferred to the Secretary, whether as a tax on the instrument, the privilege of conveying or transferring, or the recordation thereof; nor shall the failure to pay or collect any such tax be a ground for refusal to record or file such instruments, or for failure to impart notice, or prevent the enforcement of its provisions in any State or Federal court.”

42 USC 1490h note. (b) Notwithstanding any other provision of law, no State, Commonwealth, territory, possession, district, or local political subdivision which has received, prior to the date of enactment of this Act, tax payments from the Department of Agriculture based on property held by the Farmers Home Administration shall be liable for, or be obligated to refund, the amount of any such payment, which, if it had been made after the date of enactment of this Act, would have been authorized by the provisions of section 528 of the Housing Act of 1949, and no officer or employee of the United States shall incur or be under any liability by reason of having made or authorized any such payments.

Effective date. 42 USC 1490h note. (c) The amendment made by subsection (a) shall become effective as of January 1, 1977.

TITLE VI—NATIONAL URBAN POLICY

42 USC 4501 note. SEC. 601. (a) Section 701 of the Urban Growth and New Community Development Act of 1970 is amended—

- (1) by striking out subsection (a) and inserting in lieu thereof the following: 42 USC 4501 note.
- “(a) This title may be cited as the ‘National Urban Policy and New Community Development Act of 1970’.”;
- (2) by striking out “growth” the first time it appears in subsection (b); 42 USC 4501.
- (3) by inserting “energy and” before “our natural resources” in subsection (b);
- (4) by inserting “and their residents” before “of adequate tax base,” in subsection (b); and
- (5) by inserting “good housing in” before “well-balanced neighborhoods” in subsection (b).
- (b) Section 702 of such Act is amended—
- (1) by striking out subsection (a) and inserting in lieu thereof the following: Congressional findings and declaration of policy. 42 USC 4502.
- “(a) The Congress finds that rapid changes in patterns of urban settlement, including change in population distribution and economic bases of urban areas, have created an imbalance between the Nation’s needs and resources and seriously threaten our physical and social environment, and the financial viability of our cities, and that the economic and social development of the Nation, the proper conservation of our energy and other natural resources, and the achievement of satisfactory living standards depend upon the sound, orderly, and more balanced development of all areas of the Nation.”;
- (2) by inserting “and redevelopment” before “which adversely affect” in subsection (b), by striking out “our” in subsection (b) and inserting in lieu thereof “energy and other”, and by striking out “growth” the last time it appears in subsection (b);
- (3) by inserting “energy and other” before “natural resources,” in the first sentence of subsection (c), by striking out “growth” in the first sentence of subsection (c), by striking out “growth” the first time it appears in the second sentence of subsection (c) and inserting in lieu thereof “development and redevelopment”, and by striking out “growth and stabilization” in the second sentence of subsection (c) and inserting in lieu thereof “urban”;
- (4) by striking out “growth” the first time it appears in subsection (d);
- (5) by striking out “help reverse trends of migration and physical growth which reinforce” in paragraph (3) of subsection (d) and inserting in lieu thereof “encourage patterns of development and redevelopment which minimize”; and
- (6) by striking out “growth and stabilization,” in paragraph (8) of subsection (d) and inserting in lieu thereof “development and redevelopment, encourage”, by inserting “energy and other” before “natural resources” in such paragraph (8), and by striking out “the protection” in such paragraph (8) and inserting in lieu thereof “protect”.
- (c) Section 703 of such Act is amended— 42 USC 4503.
- (1) by striking out the section heading and the material preceding paragraph (1) of subsection (a) and inserting in lieu thereof the following:

“NATIONAL URBAN POLICY REPORT

“SEC. 703. (a) The President shall transmit to the Congress during February 1978, and during February of every even-numbered year Report to Congress.

thereafter, a Report on National Urban Policy which shall contribute to the formulation of such a policy, and in addition shall include—”;

(2) by striking out “and statistics, describing characteristics of urban growth and stabilization and identifying significant trends and developments” in paragraph (1) of subsection (a) and inserting in lieu thereof “, statistics, and significant trends relating to the pattern of urban development for the preceding two years”;

(3) by striking out “growth” in paragraph (2) of subsection (a), and by inserting “affecting the well-being of urban areas” before the semicolon at the end of such paragraph;

(4) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively;

(5) by inserting after paragraph (2) the following:

“(3) an examination of the housing and related community development problems experienced by cities undergoing a growth rate which equals or exceeds the national average;”;

(6) by striking out “growth” in paragraph (4) of subsection (a), as redesignated;

(7) by striking out “growth” in subsection (b) and inserting in lieu thereof “policy”; and

(8) by striking out “Report on Urban Growth” in subsection (c) and inserting in lieu thereof “National Urban Policy Report” and by striking out “growth” in such subsection and inserting in lieu thereof “areas”.

(d) The title heading for such Act is amended by striking out “URBAN GROWTH” and inserting in lieu thereof “NATIONAL URBAN POLICY”.

(e) The part heading for part A of such Act is amended by striking out “GROWTH”.

TITLE VII—FLOOD AND RIOT INSURANCE

EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM

42 USC 4026. SEC. 701. (a) Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out “September 30, 1977” and inserting in lieu thereof “September 30, 1978”.

42 USC 4056. (b) Section 1336(a) of such Act is amended by striking out “September 30, 1977” and inserting in lieu thereof “September 30, 1978”.

FLOOD INSURANCE STUDIES

42 USC 4127. SEC. 702. Section 1376(c) of the National Flood Insurance Act of 1968 is amended by inserting the following before the period at the end thereof: “and not to exceed \$108,000,000 for the fiscal year 1978”.

SANCTIONS

42 USC 4106. SEC. 703. (a) Section 202(b) of the Flood Disaster Protection Act of 1973 is amended to read as follows:

42 USC 4104a. “(b) In addition to the requirements of section 1364 of the National Flood Insurance Act of 1968, each Federal instrumentality described in such section shall by regulation require the institutions described in such section to notify (as a condition of making, increasing, extending, or renewing any loan secured by property described in such section) the purchaser or lessee of such property of whether, in the event of a disaster caused by flood to such property, Federal disaster relief assistance will be available to such property.”.

(b) Section 3(a)(4) of such Act is amended by striking out all after “mortgages or mortgage loans” and inserting in lieu thereof the following: “but shall exclude assistance pursuant to the Disaster Relief Act of 1974 (other than assistance under such Act in connection with a flood);”.

42 USC 4003.

42 USC 5121
note.

FLOOD INSURANCE PROGRAM IMPROVEMENTS

SEC. 704. (a) Section 1306(b) of the National Flood Insurance Act of 1968 is amended by striking out paragraph (2) and inserting in lieu thereof the following:

42 USC 4013.

“(2) in the case of any residential property for which the risk premium rate is determined in accordance with the provisions of section 1307(a)(1), additional flood insurance in excess of the limits specified in clause (i) of subparagraph (A) of paragraph (1) shall be made available to every insured upon renewal and every applicant for insurance so as to enable such insured or applicant to receive coverage up to an amount of \$150,000 under the provisions of this clause;

42 USC 4014.

“(3) in the case of any residential property for which the risk premium rate is determined in accordance with the provisions of section 1307(a)(1), additional flood insurance in excess of the limits specified in clause (ii) of subparagraph (A) of paragraph (1) shall be made available to every insured upon renewal and every applicant for insurance so as to enable any such insured or applicant to receive coverage up to an amount of \$50,000 under the provisions of this clause;

“(4) in the case of business property owned, leased, or operated by small business concerns for which the risk premium rate is determined in accordance with the provisions of section 1307(a)(1), additional flood insurance in excess of the limits specified in subparagraph (B) of paragraph (1) shall be made available to every such owner, lessee, or operator in respect to any single structure, including any contents thereof, related to premises of small business occupants (as that term is defined by the Secretary), up to an amount equal to (i) \$250,000 plus (ii) \$200,000 multiplied by the number of such occupants which coverage shall be allocated among such occupants (or among the occupant or occupants and the owner) in accordance with the regulations prescribed by the Secretary pursuant to such subparagraph (B), except that the aggregate liability for the structure itself may in no case exceed \$250,000;

“(5) any flood insurance coverage which may be made available in excess of the limits specified in subparagraph (A), (B), or (C) of paragraph (1), shall be based only on chargeable premium rates under section 1308 which are not less than the estimated premium rates under section 1307(a)(1), and the amount of such excess coverage shall not in any case exceed an amount equal to the applicable limit so specified (or allocated) under paragraph (1)(C), (2), (3), or (4), as applicable; and

“(6) the flood insurance purchase requirements of section 102 of the Flood Disaster Protection Act of 1973 do not apply to the additional flood insurance limits made available in excess of twice the limits made available under paragraph (1).”.

42 USC 4012a.

(b) Section 1362 of such Act is amended—

42 USC 4103.

(1) by inserting “(a)” after “SEC. 1362.”;

(2) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) incurred significant flood damage on not less than three previous occasions over a five-year period of time and on each occasion the cost of repair, on the average, equaled or exceeded 25 per centum of the value of the structure at the time of each flood event or was damaged substantially beyond repair by flood while so covered,"; and

(3) by adding at the end thereof the following:

Real property
purchases.

"(b) When any real property referred to in paragraphs (1) and (2) of subsection (a) has sustained damage as a result of a single casualty of any nature under such circumstances that a statute, ordinance or regulation precludes its repair or restoration or permits repair or restoration only at a significantly increased construction cost, the Secretary may enter into negotiations with the owner of the property or interest therein for the purchase of such property for the uses and purposes of this section.

Low-interest
loans for
single-family
dwellings.

"(c) Whenever, as a result of damage from any casualty, the repair, reconstruction, or substantial improvement of any single-family dwelling structure located within a regulatory floodway and insured under the flood insurance program is deemed by the Secretary to be made more effective from the standpoint of prudent flood plain management by elevation of the structure so it will not interfere with the flow of water from the base flood within such regulatory floodway, the Secretary is authorized to make a low-interest loan at a rate of interest of 2 per centum per annum, repayable in ten years, to the owner of any such structure for the purpose of so elevating the structure. There is authorized to be appropriated for purposes of implementing this subsection not to exceed \$1,500,000.

Regulations.

"(d) The Secretary is authorized to issue such regulations as may be necessary to carry out the purposes of this section."

42 USC 4104.

(c) Section 1363 of such Act is amended—

(1) by redesignating subsection (f) as subsection (g); and
(2) by inserting after subsection (e) the following:

Reimbursement
of certain
expenses.

"(f) When, incident to any appeal under subsection (b) or (c), the owner or lessee of real property or the community, as the case may be, incurs expense in connection with the services of surveyors, engineers, or similar services, but not including legal services, in the effecting of an appeal which is successful in whole or part, the Secretary shall reimburse such individual or community to an extent measured by the ratio of the successful portion of the appeal as compared to the entire appeal and applying such ratio to the reasonable value of all such services, but no reimbursement shall be made by the Secretary in respect to any fee or expense payment, the payment of which was agreed to be contingent upon the result of the appeal. There is authorized to be appropriated for purposes of implementing this subsection, not to exceed \$250,000."

Appropriation
authorization.

42 USC 4105.

(d) Section 201 of the Flood Disaster Protection Act of 1973 is amended by adding at the end thereof the following:

Administrative
procedures,
establishment.

"(e) The Secretary is authorized to establish administrative procedures whereby the identification under this section of one or more areas in the community as having special flood hazards may be appealed to the Secretary by the community or any owner or lessee of real property within the community who believes his property has been inadvertently included in a special flood hazard area by the identification. When, incident to any appeal under this subsection, the owner or lessee of real property or the community, as the case may be, incurs expense in connection with the services of surveyors, engi-

Reimbursement
of certain
expenses.

neers, or similar services, but not including legal services, in the effecting of an appeal which is successful in whole or part, the Secretary shall reimburse such individual or community to an extent measured by the ratio of the successful portion of the appeal as compared to the entire appeal and applying such ratio to the reasonable value of all such services, but no reimbursement shall be made by the Secretary in respect to any fee or expense payment, the payment of which was agreed to be contingent upon the result of the appeal. There is authorized to be appropriated for purposes of implementing this subsection not to exceed "\$250,000."

Appropriation
authorization.

TITLE VIII—COMMUNITY REINVESTMENT

SEC. 801. This title may be cited as the "Community Reinvestment Act of 1977".

Community
Reinvestment
Act of 1977.
Citation of
title.

SEC. 802. (a) The Congress finds that—

12 USC 2901
note.
12 USC 2901.

(1) regulated financial institutions are required by law to demonstrate that their deposit facilities serve the convenience and needs of the communities in which they are chartered to do business;

(2) the convenience and needs of communities include the need for credit services as well as deposit services; and

(3) regulated financial institutions have continuing and affirmative obligation to help meet the credit needs of the local communities in which they are chartered.

(b) It is the purpose of this title to require each appropriate Federal financial supervisory agency to use its authority when examining financial institutions, to encourage such institutions to help meet the credit needs of the local communities in which they are chartered consistent with the safe and sound operation of such institutions.

SEC. 803. For the purposes of this title—

12 USC 2902.

(1) the term "appropriate Federal financial supervisory agency" means—

(A) the Comptroller of the Currency with respect to national banks;

(B) the Board of Governors of the Federal Reserve System with respect to State chartered banks which are members of the Federal Reserve System and bank holding companies;

(C) the Federal Deposit Insurance Corporation with respect to State chartered banks and savings banks which are not members of the Federal Reserve System and the deposits of which are insured by the Corporation; and

(D) the Federal Home Loan Bank Board with respect to institutions the deposits of which are insured by the Federal Savings and Loan Insurance Corporation and to savings and loan holding companies;

(2) the term "regulated financial institution" means an insured bank as defined in section 3 of the Federal Deposit Insurance Act or an insured institution as defined in section 401 of the National Housing Act; and

18 USC 709.

12 USC 1724.

(3) the term "application for a deposit facility" means an application to the appropriate Federal financial supervisory agency otherwise required under Federal law or regulations thereunder for—

(A) a charter for a national bank or Federal savings and loan association;

(B) deposit insurance in connection with a newly chartered State bank, savings bank, savings and loan association or similar institution;

(C) the establishment of a domestic branch or other facility with the ability to accept deposits of a regulated financial institution;

(D) the relocation of the home office or a branch office of a regulated financial institution;

(E) the merger or consolidation with, or the acquisition of the assets, or the assumption of the liabilities of a regulated financial institution requiring approval under section 18(c) of the Federal Deposit Insurance Act or under regulations issued under the authority of title IV of the National Housing Act; or

(F) the acquisition of shares in, or the assets of, a regulated financial institution requiring approval under section 3 of the Bank Holding Company Act of 1956 or section 408 (e) of the National Housing Act.

12 USC 1828.

12 USC 1724.

12 USC 1842.

12 USC 1730a.

Financial
institutions,
evaluation.

12 USC 2903.

SEC. 804. In connection with its examination of a financial institution, the appropriate Federal financial supervisory agency shall—

(1) assess the institution's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of such institution; and

(2) take such record into account in its evaluation of an application for a deposit facility by such institution.

Report to
Congress.

12 USC 2904.

Regulations.

12 USC 2905.

SEC. 805. Each appropriate Federal financial supervisory agency shall include in its annual report to the Congress a section outlining the actions it has taken to carry out its responsibilities under this title.

SEC. 806. Regulations to carry out the purposes of this title shall be published by each appropriate Federal financial supervisory agency, and shall take effect no later than 390 days after the date of enactment of this title.

TITLE IX—MISCELLANEOUS

INDIAN AND ALASKA NATIVE HOUSING AND COMMUNITY DEVELOPMENT

42 USC 3533.

Special
Assistant for
Indian and
Alaska Native
Programs.

SEC. 901. Section 4 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following:

“(d) (1) There shall be in the Department a Special Assistant for Indian and Alaska Native Programs, who shall be responsible for coordinating all programs of the Department relating to Indian and Alaska Native housing and community development. The Special Assistant for Indian and Alaska Native Programs shall be designated by the Secretary not later than 60 days after the date of enactment of this subsection.

Report to
Congress.

“(2) The Secretary shall, not later than December 1 of each year, submit to Congress an annual report which shall include—

“(A) a description of his actions during the current year and a projection of his activities during the succeeding years;

“(B) estimates of the cost of the projected activities for succeeding fiscal years;

“(C) a statistical report on the conditions of Indian and Alaska Native housing; and

“(D) recommendations for such legislative, administrative, and other actions, as he deems appropriate.”.

MOBILE HOME SAFETY

SEC. 902. (a) Section 604 of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following: 42 USC 5403.

“(h) The Secretary shall exclude from the coverage of this title any structure which the manufacturer certifies, in a form prescribed by the Secretary, to be: Construction and safety standards coverage, exclusion.

“(1) designed only for erection or installation on a site-built permanent foundation;

“(2) not designed to be moved once so erected or installed;

“(3) designed and manufactured to comply with a nationally recognized model building code or an equivalent local code, or with a State or local modular building code recognized as generally equivalent to building codes for site-built housing, or with minimum property standards adopted by the Secretary pursuant to title II of the National Housing Act; and

12 USC 1707.

“(4) to the manufacturer’s knowledge is not intended to be used other than on a site-built permanent foundation.”.

(b) Section 610(a) of such Act is amended— 42 USC 5409.

(1) by striking out “or” at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof “; or”; and

(3) by adding at the end thereof the following new paragraph:

“(6) issue a certification pursuant to subsection (h) of section 604, if such person in the exercise of due care has reason to know that such certification is false or misleading in a material respect.”.

HOMEOWNERSHIP COUNSELING

SEC. 903. Section 106(a)(2) of the Housing and Urban Development Act of 1968 is amended by inserting the following immediately before the period at the end of the first sentence thereof: “and may provide such services for other owners of single family dwelling units insured under title II of the National Housing Act”. 12 USC 1701x.

PROTOTYPE COSTS

SEC. 904. (a) Beginning in calendar year 1979, the Secretary of Housing and Urban Development shall prepare and publish annually prototype housing costs for one- to four-family dwelling units for each housing market area in the United States, as determined by the Secretary. Prototype housing costs for an area shall be determined on the basis of the Secretary’s identification and estimate of reasonable construction and other costs (including reasonable allowances for the cost of land and site improvements) for that area of various types and sizes of new one- to four-family dwelling units designed for various segments of the housing market of the area, as determined by the Secretary. In determining prototype housing costs, the Secretary is authorized to take into account the need for durability required for economic maintenance of housing, the need for amenities suitable to Prototype housing costs, annual publication. 42 USC 3540.

assure a safe and healthy family life and neighborhood environment, the application of good design and quality in architecture, and the need for maximum conservation of energy, as well as the advice and recommendations of local housing producers.

(b) The Secretary is authorized to take such action as may be necessary to develop, aggregate, and evaluate data and other information required for the timely development, implementation, and maintenance of the prototype housing cost system referred to in subsection (a).

Approved October 12, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-236 (Comm. on Banking, Finance and Urban Affairs) and No. 95-634 (Comm. of Conference).

SENATE REPORT No. 95-175 accompanying S. 1523 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 6, 10, 11, considered and passed House.

June 6, 7, considered and passed Senate, amended, in lieu of S. 1523.

Oct. 1, Senate agreed to conference report.

Oct. 4, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 42:

Oct. 12, Presidential statement.

Public Law 95-129
95th Congress

An Act

To provide for the establishment of a Center for the Book in the Library of Congress, and for other purposes.

Oct. 13, 1977

[S. 1331]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Library of
Congress.
Center for
the Book.
Establishment.
2 USC 171.

DECLARATION OF FINDINGS AND PURPOSE

SECTION 1. The Congress hereby finds and declares—

(1) that the Congress of the United States on April 24, 1800, established for itself a library of the Congress;

(2) that in 1815, the Congress purchased the personal library of the third President of the United States which contained materials on every science known to man and described such a collection as a “substratum of a great national library”;

(3) that the Congress of the United States in recognition of the importance of printing and its impact on America purchased the Gutenberg Bible in 1930 for the Nation for placement in the Library of Congress;

(4) that the Congress of the United States has through statute and appropriations made this library accessible to any member of the public;

(5) that this collection of books and other library materials has now become one of the greatest libraries in civilization;

(6) that the book and the printed word have had the most profound influence on American civilization and learning and have been the very foundation on which our democratic principles have survived through our two hundred-year history;

(7) that in the year 1977, the Congress of the United States assembled hereby declares its reaffirmation of the importance of the printed word and the book and recognizes the importance of a Center for the Book to the continued study and development of written record as central to our understanding of ourselves and our world.

It is therefore the purpose of this Act to establish a Center for the Book in the Library of Congress to provide a program for the investigation of the transmission of human knowledge and to heighten public interest in the role of books and printing in the diffusion of this knowledge.

DEFINITIONS

SEC. 2. As used in this Act—

2 USC 172.

(1) the term Center means the Center for the Book;

(2) the term Librarian means the Librarian of Congress.

ESTABLISHMENT OF THE CENTER

SEC. 3. There is hereby established in the Library of Congress a Center for the Book. 2 USC 173.

The Center shall be under the direction of the Librarian of Congress.

FUNCTION OF THE CENTER

- 2 USC 174. SEC. 4. The Librarian through the Center shall stimulate public interest and research in the role of the book in the diffusion of knowledge through such activities as a visiting scholar program accompanied by lectures, exhibits, publications, and any other related activities.

ADMINISTRATIVE PROVISIONS

- 2 USC 175. SEC. 5. The Librarian of Congress, in carrying out the Center's functions, is authorized to—
- Regulations. (1) prescribe such regulations as he deems necessary ;
(2) receive money and other property donated, bequeathed, or devised for the purposes of the Center, and to use, sell, or otherwise dispose of such property for the purposes of carrying out the Center's functions, without reference to Federal disposal statutes; and
(3) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code.

Approved October 13, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-491 accompanying H.R. 6214 (Comm. on House Administration).

SENATE REPORT No. 95-315 (Comm. on Rules and Administration).

CONGRESSIONAL RECORD, Vol. 123 (1977):

July 12, considered and passed Senate.

Sept. 26, considered and passed House, amended, in lieu of H.R. 6214.

Sept. 30, Senate agreed to House amendments.

Public Law 95-130
95th Congress

Joint Resolution

Making continuing appropriations for the fiscal year 1978, and for other purposes.

Oct. 13, 1977

[H.J. Res. 626]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1978, namely:

Continuing
appropriations,
1978.

SEC. 101. (a) (1) Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1977, and for which appropriations, funds, or other authority would be available in the conference agreement on the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1978 (H.R. 7555), but at a rate for operations not in excess of the current rate or the rate provided for in said appropriation act, whichever is lower.

(2) Appropriations made by this subsection shall be available to the extent and in the manner available in the fiscal year 1977.

(b) Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1977, and for which appropriations, funds, or other authority would be available in the District of Columbia Appropriations Act, 1978 (H.R. 9005) as passed the House of Representatives or the Senate, but at a rate of operations not in excess of the current rate: *Provided*, That the Advisory Neighborhood Commissions shall be continued at an annual rate of not to exceed \$500,000; and

(c) Such amounts as may be necessary to continue to pay the salaries and related personnel benefits of employees engaged in carrying out the functions which would be provided for in the Foreign Assistance and Related Programs Appropriation Act, 1978 (H.R. 7797) as passed the House of Representatives or the Senate. The provisions of this subsection shall not be construed to provide appropriations to commence or continue any program, project or activity provided for in said appropriation act.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from October 1, 1977, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) October 31, 1977, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in 31 U.S.C. 665(d) (2), but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1977.

SEC. 107. Any appropriation for the fiscal year 1978 required to be apportioned pursuant to 31 U.S.C. 665, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of 31 U.S.C. 665.

SEC. 108. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

Approved October 13, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

Oct. 13, considered and passed House and Senate.

Public Law 95-131
95th Congress

An Act

To amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the borrowing authority of the District of Columbia, and for other purposes.

Oct. 13, 1977
[H.R. 6530]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 723 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-241 note) is amended—

District of
Columbia Self-
Government and
Governmental
Reorganization
Act,
amendment.

(1) in subsection (a) by striking out “the effective date of title IV” in the first sentence and inserting in lieu thereof “October 1, 1979”; and

(2) by adding at the end thereof the following new subsection:

“(d) The authority contained in this section to make loans shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.”.

SEC. 2. Section 448(4) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-226(4)) is amended by striking out “November 1” and inserting in lieu thereof “February 1”.

SEC. 3. (a) Section 431(e)(1)(C) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, title 11 App. 431(e)(1)(C)) is amended—

(1) by striking out “202” and inserting in lieu thereof “102”; and

(2) by striking out “subsection (b)(4)(D)” and inserting in lieu thereof “paragraph (3)(E)”.

(b) Section 434(b)(1)(C) of such Act (D.C. Code, title 11 App. 434(b)(1)(C)) is amended—

(1) by striking out “202” and inserting in lieu thereof “102”; and

(2) by striking out “subsection (b)(4)(D)” and inserting in lieu thereof “paragraph (4)(E)”.

D.C. Code note
prec. title 1.
D.C. Code
43-1540.
D.C. Code
9-220 note.
Repeal.

Sec. 4. Section 743 of the District of Columbia Self-Government and Governmental Reorganization Act is amended—

(1) by striking out “60 Stat. 195” in subsection (b) and inserting in lieu thereof “64 Stat. 195”;

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

“(e) Section 4 of the Act entitled ‘An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system’, approved June 12, 1960 (74 Stat. 211; D.C. Code, sec. 43-1623), is repealed.”.

Approved October 13, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-248 (Comm. on the District of Columbia).

SENATE REPORT No. 95-224 accompanying S. 1061 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 13, S. 1061 considered and passed Senate.

Sept. 26, considered and passed House.

Oct. 4, considered and passed Senate.

Public Law 95-132
95th Congress

An Act

To raise the limitation on appropriations for the United States Commission on Civil Rights.

Oct. 13, 1977
[H.R. 5645]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Commission Authorization Act of 1977".

SEC. 2. Section 106 of the Civil Rights Act of 1957 (42 U.S.C. 1975e), as amended is further amended to read as follows:

"SEC. 106. For the purposes of carrying out this Act, there is hereby authorized to be appropriated for the fiscal year ending September 30, 1978, the sum of \$10,480,000 and such additional amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law which arise subsequent to the date of the enactment of the Civil Rights Commission Authorization Act of 1977."

Civil Rights
Commission
Authorization
Act of 1977.
42 USC 1975
note.
Appropriation
authorization.

Approved October 13, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-324 (Comm. on the Judiciary).

SENATE REPORT No. 95-223 accompanying S. 1231 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 23, considered and passed House.

June 13, considered and passed Senate, amended, in lieu of S. 1231.

Sept. 27, House agreed to Senate amendment with an amendment.

Sept. 30, Senate concurred in House amendment.

Public Law 95-133
95th Congress

An Act

Oct. 15, 1977
[S. 667]

To declare certain federally owned land held in trust by the United States for the Te-Moak Bands of Western Shoshone Indians.

Indians.
Te-Moak Bands,
Western
Shoshone.
Lands in trust.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to all valid existing rights-of-way, leases and easements, all right, title, and interest of the United States in and to the following described land, and improvements thereon, are hereby declared to be held by the United States in trust for the Te-Moak Bands of Western Shoshone Indians:

The north half of the southwest quarter of section 4, township 37 north, range 62 east, Mount Diablo base and meridian.

Approved October 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-624 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 95-237 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 9, considered and passed Senate.

Oct. 3, considered and passed House.

Public Law 95-134
95th Congress

An Act

To authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes.

Oct. 15, 1977
[H.R. 6550]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Territories of the
United States.
Appropriation
authorization.

TITLE I

SEC. 101. (a) Section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is further amended by changing "and such amounts as were authorized but not appropriated for fiscal year 1975," to read "and such amounts as were authorized but not appropriated for fiscal years 1975, 1976, and 1977; for fiscal year 1978, \$90,000,000; for fiscal year 1979, \$122,700,000; for fiscal year 1980, \$112,000,000;".

Trust Territory of
the Pacific
Islands.
48 USC 1681
note.

(b) Section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is further amended by (1) deleting "but not to exceed \$10,000,000," and (2) deleting all of the language beginning with the words "which amounts for each fiscal year" up to and including the words "calendar year 1974,".

SEC. 102. Until the provisions of the covenant to establish a Commonwealth for the Northern Mariana Islands (90 Stat. 263) have been met and approved as required in section 1003(b) thereof, there is hereby authorized to be appropriated \$13,515,000 for the government of the Northern Mariana Islands. When such conditions are met, the appropriations authorized in article VII, section 704, of said covenant shall become effective.

Northern
Mariana Islands.
48 USC 1681
note.

SEC. 103. For the rehabilitation and resettlement of Enewetak Atoll in the Trust Territory of the Pacific Islands there is hereby authorized to be appropriated \$12,400,000 (July 1976 prices) plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved.

Enewetak Atoll.

SEC. 104. (a) In addition to appropriations authorized to compensate inhabitants of Rongelap Atoll and Utirik Atoll in the Trust Territory of the Pacific Islands for radiation exposure sustained by them as a result of a thermonuclear detonation at Bikini Atoll in the Marshall Islands on March 1, 1954, pursuant to the Act of August 22, 1964 (78 Stat. 598), effective October 1, 1977, there are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this section and the Secretary of the Interior (hereafter in this section referred to as the "Secretary") is authorized and directed to make the payments as hereafter provided in this paragraph to individuals, or to their heirs or legatees, as the case may be, who were on March 1, 1954, residents on Rongelap Atoll or Utirik Atoll in the Marshall Islands:

Rongelap Atoll
and Utirik Atoll.
Radiation
victims.

Payments to heirs
or legatees.

(1) The Secretary shall pay \$25,000 to each such individual from whom the thyroid gland or a neurofibroma in the neck was surgically removed, or who has developed hypothyroidism, or who develops a radiation-related malignancy, such as leukemia.

(2) The Secretary shall pay \$1,000 to each individual who, on such date, was a resident on Utirik Atoll.

(3) Where circumstances warrant, as he shall determine, the Secretary shall pay an amount not in excess of \$25,000 as he determines to be an appropriate compassionate compensation to each such individual who has suffered any physical injury or harm from a radiation-related cause but who is not an individual described in paragraph (1).

Medical care and treatment.

(4) In addition to the payments provided in paragraphs (1), (2), and (3) of this subsection, the Secretary shall provide by appropriate means adequate medical care and treatment for any person who has a continuing need for the care and treatment of any radiation injury or illness directly related to the thermonuclear detonation referred to in paragraph (a) of this section. The costs of such medical care and treatment shall be assumed by the Administrator of the Energy Research and Development Administration.

Report to congressional committees.

(5) Not later than December 31, 1980, the Secretary shall report to the appropriate committees of the United States Congress for their consideration what, if any, additional compassionate compensation may be justified for those individuals continuing to suffer from injuries or illnesses directly related to radiation resulting from the thermonuclear detonation referred to in paragraph (a) of this section.

Additional payment, limitation.

In the case of the demise of any individual entitled to receive payment under this section who expires before receiving such payment, the Secretary shall pay the amount which that individual would have been entitled to receive under this section to the heirs or legatees of such individual, in accordance with an appropriate method of distribution per stirpes, and not per capita. Where the demise of any individual eligible for payment under paragraph (1) or (3) supra is directly related to the thermonuclear detonation referred to in paragraph (a) of this section, the Secretary may make an additional compassionate payment not to exceed \$100,000 to the heirs or legatees of such individual. In determining the amount of such payment the Secretary shall consider, but is not limited to, the following: any payments which the deceased has received or would have been eligible to receive under this section, and loss of support, services, or contributions to the heirs or legatees.

Rongelap, Utirik, and Bikini Atolls, sums for community purposes.

(b) For the use of each of the island communities of Rongelap, Utirik, and Bikini Atolls there is authorized to be appropriated \$100,000. Such funds are to be paid by the Secretary, in conjunction with guidelines to be established by the High Commissioner of the Trust Territory of the Pacific Islands, for such community purposes as the municipal councils of such island communities may direct.

(c) A payment made under the provisions of this section shall be in full settlement and discharge of all claims against the United States arising out of the thermonuclear detonation on March 1, 1954.

(d) The decisions of the Secretary in allowing or denying any claim for payment under this section shall be final and conclusive on all questions of law and fact and not subject to review by any other official of the United States, or by any court by mandamus or otherwise.

Rules and regulations. Adjudicated claims and final awards. 50 USC app. 2018.

(e) The Secretary is authorized to make such rules and regulations as he determines necessary to carry out the provisions of this section.

SEC. 105. In addition to amounts heretofore authorized pursuant to the Micronesian Claims Act of 1971 (85 Stat. 96), there are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to satisfy all adjudicated claims and final awards made by the Micronesian Claims Commission to date under

title I and title II of said 1971 Act, for full payment of such awards: *Provided*, That no sums appropriated pursuant to this section may be paid on awards pursuant to title I of said 1971 Act until, subsequent to the date of enactment of this section, the Government of Japan has provided to the Government of the Trust Territory of the Pacific Islands a contribution, which contribution may be in goods and services, which has a value as determined by the Secretary of the Interior equivalent to not less than 50 per centum of the total awards made pursuant to title I of said 1971 Act less \$10,000,000 from such total: *Provided further*, That prior to making any payment on an award pursuant to either title I or title II of said 1971 Act, the Secretary shall review such award and determine whether any portion of such award constitutes interest not authorized to be awarded under the said 1971 Act and shall exclude from his payment such amounts as he determines constitute such interest. The Secretary's determination of the proportion of any award which constitutes such interest and the proportion which constitutes value shall be final and shall not be subject to judicial review.

50 USC app.
2019, 2020.

Contribution by
Government of
Japan.

Award, review.

TITLE II

SEC. 201. (a) There is hereby authorized to be appropriated to the Secretary of the Interior (hereinafter referred to as the Secretary), not to exceed \$15,000,000 for a grant to the Government of Guam to assist in typhoon rehabilitation, upgrading and construction of public facilities, and maintenance of essential services.

Government of
Guam.

(b) Funds provided under this Act may be used by Guam as its matching share for Federal programs and services.

(c) The Government of Guam in carrying out the purpose of this Act may utilize, to the extent practicable, the available services and facilities of agencies and instrumentalities of the United States Government on a reimbursable basis. Reimbursements may be credited to the appropriation or fund which provided the services and facilities. Agencies and instrumentalities of the United States Government may, when practicable, make available to the Government of Guam upon request of the Secretary such services and facilities as they are equipped to render or furnish, and they may do so without reimbursement if otherwise authorized by law.

Services and
facilities of U.S.
Government,
utilization.

(d) The Secretary may place such stipulations as he deems appropriate on the use of funds appropriated pursuant to section 301(a).

Post, p. 1162.

SEC. 202. Section 2 of the Guam Development Fund Act of 1968 (82 Stat. 1172; 48 U.S.C. 1428) is amended by changing "SEC. 2." to "SEC. 2. (a)" and adding at the end thereof the following new subsection (b):

"(b) In addition to the appropriations authorized in subsection (a), \$1,000,000 is authorized to be appropriated to the Secretary of the Interior to be paid to the Government of Guam annually for five fiscal years commencing in fiscal year 1978 to carry out the purposes of this Act."

Additional
appropriation
authorizations.

SEC. 203. The Organic Act of Guam (64 Stat. 394) as amended (48 U.S.C. 1421 et seq.) is further amended:

Government
comptroller,
salary and
expenses.
48 USC 1422d.

(a) by deleting from the first sentence of section 9-A(a) everything after the words "government of Guam"; adding a period after "Guam"; and inserting the following sentence: "Effective October 1, 1977, the salary and expenses of the Comptroller's office shall be paid from funds authorized to be appropriated to the Department of the Interior.";

48 USC 1681b.

Separate tax.

48 USC 1421i.

District Court of
Guam, review of
claims.

48 USC 1424c.

Land acquisitions
effected through
judicial
condemnation
proceedings.
Fair
compensation.Special masters
or judges,
employment.Attorney's fees,
limitation.Violation,
penalty.Grants to
Government of
Guam.Government
comptroller,
salaries and
expenses.

(b) the Act of June 30, 1954 (68 Stat. 330), as amended, is further amended by deleting the last sentence of section 4(a);

(c) by changing the period at the end of section 31(a) to a colon and inserting the following: "*Provided*, That notwithstanding any other provision of law, the Legislature of Guam may levy a separate tax on all taxpayers in an amount not to exceed 10 per centum of their annual income tax obligation to the Government of Guam."

SEC. 204. (a) Notwithstanding any law or court decision to the contrary, the District Court of Guam is hereby granted authority and jurisdiction to review claims of persons, their heirs or legatees, from whom interests in land on Guam were acquired other than through judicial condemnation proceedings, in which the issue of compensation was adjudicated in a contested trial in the District Court of Guam, by the United States between July 21, 1944, and August 23, 1963, and to award fair compensation in those cases where it is determined that less than fair market value was paid as a result of (1) duress, unfair influence, or other unconscionable actions, or (2) unfair, unjust, and inequitable actions of the United States.

(b) Land acquisitions effected through judicial condemnation proceedings in which the issue of compensation was adjudicated in a contested trial in the District Court of Guam, shall remain *res judicata* and shall not be subject to review hereunder.

(c) Fair compensation for purposes of this Act is defined as such additional amounts as are necessary to effect payment of fair market value at the time of acquisition, if it is determined that, as a result of duress, unfair influence, or other unconscionable actions, fair market value was not paid. Interest may not be allowed from the time of acquisition to the date of the award on such additional amounts as may be awarded pursuant to this section.

(d) The District Court of Guam may employ and utilize the services of such special masters or judges as are necessary to carry out the intent and purposes hereof.

(e) Awards made hereunder shall be judgments against the United States.

(f) Attorney's fees paid by claimants to counsel representing them may not exceed 5 per centum of any additional award. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned not more than twelve months, or both. A reasonable attorney's fee may be awarded in appropriate cases.

(g) All agencies and departments of the United States Government shall, upon request, deliver to the court any documents, records, and writings which are pertinent to any claim under review.

SEC. 205. There is hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary for grants to the Government of Guam to meet the health care needs of Guam, but not to exceed \$25,000,000: *Provided*, That no grant may be made by the Secretary of the Interior pursuant to this section without the prior approval of the Secretary of Health, Education, and Welfare.

TITLE III

SEC. 301. (a) The Revised Organic Act of the Virgin Islands (68 Stat. 504) as amended (48 U.S.C. 1599) is further amended as follows: Delete from the first sentence of section 17(a) everything after the

words "government of the Virgin Islands", add a period after "Virgin Islands" and insert the following sentence: "Effective October 1, 1977, the salary and expenses of the Comptroller's office shall be paid from funds authorized to be appropriated to the Department of the Interior."

(b) Section 9(d) of the Revised Organic Act of the Virgin Islands (68 Stat. 497; 48 U.S.C. 1541 et seq.) is amended by inserting immediately before the period at the end thereof the following: ", unless the legislature, after reconsideration upon motion of a member thereof, passes such items, parts, or portions so objected to by a vote of two-thirds of all the members of the legislature."

(c) Section 8 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1574) is amended by adding at the end thereof the following new subsection:

"(f) (1) The Legislature of the Virgin Islands may impose on the importation of any article into the Virgin Islands for consumption therein a customs duty. The rate of any customs duty imposed on any article under this subsection may not exceed—

"(A) if an ad valorem rate, 6 per centum ad valorem; or

"(B) if a specific rate or a combination ad valorem and specific rate, the equivalent or 6 per centum ad valorem.

"(2) Nothing in this subsection shall prohibit the Legislature of the Virgin Islands from permitting the duty-free importation of any article.

"(3) Nothing in this subsection shall be construed as empowering the Legislature of the Virgin Islands to repeal or amend any provision in law in effect on the day before the date of the enactment of this subsection which pertains to the customs valuation or customs classification of articles imported into the Virgin Islands."

Legislative
procedure.
48 USC 1575.

Customs duty.

Rate, limitation.

Duty-free
importation.

TITLE IV

SEC. 401. The Secretary of the Interior is directed to submit to the Congress not later than January 1, 1978, a report on Federal programs available to the territories of the United States indicating in such report what programs are available to each territory, what additional programs would be of benefit to such territory if made available, what changes or modifications to each program should be made to improve the operation and effectiveness of each program and the estimated costs of such program. There is hereby authorized to be appropriated for fiscal year 1978 \$50,000 to assist the Secretary in the preparation of this report.

Federal programs,
availability to
U.S. territories.
Report to
Congress.
43 USC 1457
note.

SEC. 402. In order to compensate the territories of Guam and the Virgin Islands for unexpected revenue losses occasioned by the Tax Reduction Act of 1975 and the Tax Reform Act of 1976 there is hereby authorized to be appropriated to the Secretary for grants to the government of Guam not to exceed \$15,000,000 and after October 1, 1977, for grants to the government of the Virgin Islands not to exceed \$14,000,000, such sums being in addition to those previously authorized for such purposes.

Guam and the
Virgin Islands.
26 USC 7651
note.
26 USC 1 note.

SEC. 403. Effective on the date of enactment of this Act, those laws, except for any laws administered by the Social Security Administration and except for medicaid which is now administered by the Health Care Financing Administration, which are referred to in section 502 (a) (1) (except for the reference to the Micronesian Claims Act of 1971 (85 Stat. 96)) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, approved by joint resolution approved on March 24,

48 USC 1681
note.

90 Stat. 268.
50 USC app.
2018.

1976 (90 Stat. 263), and 502(a) (2) of said Covenant shall be applicable to the territories of Guam and the Virgin Islands on the same terms and conditions as such laws are applied to the Commonwealth of the Northern Mariana Islands.

TITLE V

Insular Areas. 48 USC 1469a.

SEC. 501. In order to minimize the burden caused by existing application and reporting procedures for certain grant-in-aid programs available to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Government of the Northern Mariana Islands (hereafter referred to as "Insular Areas") it is hereby declared to be the policy of the Congress that:

Consolidation of grants.

(a) Notwithstanding any provision of law to the contrary, any department or agency of the Government of the United States which administers any Act of Congress which specifically provides for making grants to any Insular Area under which payments received may be used by such Insular Area only for certain specified purposes (other than direct payments to classes of individuals) may, acting through appropriate administrative authorities of such department or agency, consolidate any or all grants made to such area for any fiscal year or years.

(b) Any consolidated grant for any insular area shall not be less than the sum of all grants which such area would otherwise be entitled to receive for such year.

Allocation of funds.

(c) The funds received under a consolidated grant shall be expended in furtherance of the programs and purposes authorized for any of the grants which are being consolidated, which are authorized under any of the Acts administered by the department or agency making the grant, and which would be applicable to grants for such programs and purposes in the absence of the consolidation, but the Insular Areas shall determine the proportion of the funds granted which shall be allocated to such programs and purposes.

Grants-in-aid regulations; publication in Federal Register.

(d) Each department or agency making grants-in-aid shall, by regulations published in the Federal Register, provide the method by which any Insular Area may submit (i) a single application for a consolidated grant for any fiscal year period, but not more than one such application for a consolidated grant shall be required by any department or agency unless notice of such requirement is transmitted to the appropriate committees of the United States Congress together with a complete explanation of the necessity for requiring such additional applications and (ii) a single report to such department or agency with respect to each such consolidated grant: *Provided*, That nothing in this paragraph shall preclude such department or agency from providing adequate procedures for accounting, auditing, evaluating, and reviewing any programs or activities receiving benefits from any consolidated grant. The administering authority of any department or agency, in its discretion, may (i) waive any requirement for matching funds otherwise required by law to be provided by the

Waivers.

Insular Area involved and (ii) waive the requirement that any Insular Area submit an application or report in writing with respect to any consolidated grant.

Approved October 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-228 (*Comm. on Interior and Insular Affairs*).

SENATE REPORT No. 95-332 (*Comm. on Energy and Natural Resources*).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 2, considered and passed House.

July 25, considered and passed Senate, amended.

Sept. 27, House agreed to certain Senate amendments with amendments.

Sept. 28, Senate concurred in House amendments with an amendment.

Sept. 29, 30, House concurred in Senate amendment with an amendment.

Sept. 30, Senate concurred in House amendment.

Public Law 95-135
95th Congress

Joint Resolution

Oct. 15, 1977
[S.J. Res. 89]

To amend an Act entitled "To authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes" (enrolled bill H.R. 6550, Ninety-fifth Congress, first session).

Territories of the
United States.
Appropriation
authorization,
amendment.
Ante, p. 1159.
48 USC 1681
note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403 of an Act entitled "To authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes" (enrolled bill H.R. 6550, Ninety-fifth Congress, first session), be amended to read:

"SEC. 403. Effective on the date when section 502 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, approved by joint resolution approved on March 24, 1976 (90 Stat. 263) goes into force those laws which are referred to in section 502(a)(1) of said Covenant, except for any laws administered by the Social Security Administration, except for medicaid which is now administered by the Health Care Financing Administration, and except the Micronesian Claims Act of 1971 (85 Stat. 96) shall be applicable to the territories of Guam and the Virgin Islands on the same terms and conditions as such laws are applied to the Northern Mariana Islands."

50 USC app.
2018.

Effective date.
48 USC 1681
note.

SEC. 2. This amendatory joint resolution shall be effective as of the approval of said Act entitled "To authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes" (enrolled bill H.R. 6550, Ninety-fifth Congress, first session).

Approved October 15, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

Oct. 12, considered and passed Senate.

Oct. 13, considered and passed House.

Public Law 95-136
95th Congress

An Act

To authorize appropriations for fiscal year 1978 to carry out the Marine Mammal Protection Act of 1972.

Oct. 18, 1977

[S. 1522]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 110(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1380(c)) is amended to read as follows:

Marine Mammal
Protection Act of
1972,
amendment.
Research grants.
Appropriation
authorizations.

“(c) There are authorized to be appropriated, for the purposes of carrying out this section, not to exceed the following sums for the following fiscal years:

“(1) \$2,500,000 for each of the fiscal years ending June 30, 1973, June 30, 1974, June 30, 1975, September 30, 1976, and September 30, 1977, of which one-third of the sum appropriated for any such fiscal year shall be available to the Secretary of the Interior and two-thirds of any such sum shall be available to the Secretary of Commerce.

“(2) \$1,200,000, all of which shall be available to the Secretary of the Interior, for the fiscal year ending September 30, 1978.

“(3) \$200,000, all of which shall be available to the Secretary of Commerce, for the fiscal year ending September 30, 1978.”

SEC. 2. Section 114 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1384) is amended—

(1) by amending subsection (a) by inserting “, and not to exceed \$11,500,000 for the fiscal year ending September 30, 1978,” immediately after “fiscal years”; and

(2) by amending subsection (b)—

(A) by striking out “and” immediately after “June 30, 1973,” and

(B) by inserting “, and not to exceed \$850,000 for the fiscal year ending September 30, 1978” immediately after “thereafter”.

SEC. 3. Section 207 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1407) is amended to read as follows:

“AUTHORIZATIONS OF APPROPRIATIONS

“SEC. 207. There are authorized to be appropriated for the fiscal year in which this title is enacted and for the next five fiscal years thereafter such sums as may be necessary to carry out this title, but the sums appropriated for any fiscal year other than the fiscal year ending September 30, 1978, shall not exceed \$1,000,000, and the sum appropriated for the fiscal year ending September 30, 1978, shall not exceed \$2,000,000.”

SEC. 4. Section 102 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1372) is amended by adding at the end thereof the following new subsection:

Prohibitions.
Whales, taking.

“(f) It is unlawful for any person or vessel or other conveyance to take any species of whale incident to commercial whaling in waters subject to the jurisdiction of the United States.”

33 USC 476.

SEC. 5. (a) The Congress finds that—

(1) the navigable waters of Puget Sound in the State of Washington, and the natural resources therein, are a fragile and important national asset;

(2) Puget Sound and the shore area immediately adjacent thereto is threatened by increased domestic and international traffic of tankers carrying crude oil in bulk which increases the possibility of vessel collisions and oil spills; and

(3) it is necessary to restrict such tanker traffic in Puget Sound in order to protect the navigable waters thereof, the natural resources therein, and the shore area immediately adjacent thereto, from environmental harm.

(b) Notwithstanding any other provision of law, on and after the date of enactment of this section, no officer, employee, or other official of the Federal Government shall, or shall have authority to, issue, renew, grant, or otherwise approve any permit, license, or other authority for constructing, renovating, modifying, or otherwise altering a terminal, dock, or other facility in, on, or immediately adjacent to, or affecting the navigable waters of Puget Sound, or any other navigable waters in the State of Washington east of Port Angeles, which will or may result in any increase in the volume of crude oil capable of being handled at any such facility (measured as of the date of enactment of this section), other than oil to be refined for consumption in the State of Washington.

Approved October 18, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-336 accompanying H.R. 4740 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 95-177 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 123 (1977):

July 18, considered and passed Senate.

Sept. 12, considered and passed House, amended, in lieu of H.R. 4740.

Oct. 4, Senate concurred in House amendment with amendments.

Oct. 4, 5, House concurred in Senate amendments.

Public Law 95-137
95th Congress

An Act

To amend the Controlled Substances Act to extend for three fiscal years the authorization of appropriations under that Act for the expenses of the Department of Justice in carrying out that Act.

Oct. 18, 1977
[H.R. 5742]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 709(a) of the Controlled Substances Act (21 U.S.C. 904(a)) is amended—

Controlled
Substances Act,
amendment.

(1) by striking out “and” after “1976,”

(2) by striking out “June 30, 1977” and inserting in lieu thereof “September 30, 1977, \$188,000,000 for the fiscal year ending September 30, 1978, and \$215,000,000 for the fiscal year ending September 30, 1979,” and

(3) by striking out “(other than its expenses incurred in connection with carrying out section 103(a))”.

(b) Section 103 of such Act (21 U.S.C. 803) is repealed.

Repeal.

Approved October 18, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-298 (Comm. on Interstate and Foreign Commerce).

SENATE REPORT No. 95-444 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 17, considered and passed House.

Sept. 29, considered and passed Senate, amended.

Oct. 4, House concurred in Senate amendment.

Public Law 95-138
95th Congress

An Act

Oct. 18, 1977
[H.R. 9354]

To amend the Act of August 25, 1958, with respect to staff allowances for former Presidents.

Staff allowances
for former
Presidents,
limitation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of the first section of the Act of August 25, 1958, entitled "An Act to provide retirement, clerical assistance, and free mailing privileges to former Presidents of the United States, and for other purposes", as amended (3 U.S.C. 102 note) is amended by inserting after "\$96,000 per annum" the following: "except that for the first 30-month period during which a former President is entitled to staff assistance under this subsection, such rates of compensation in the aggregate shall not exceed \$150,000 per annum".

Effective date.
3 USC 102 note.

SEC. 2. The amendment made by the first section of this Act shall take effect October 1, 1977.

Approved October 18, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):
Sept. 30, considered and passed House.
Oct. 4, considered and passed Senate.

Public Law 95-139
95th Congress

An Act

To establish within the Department of Justice the position of Associate Attorney General.

Oct. 19, 1977
[S. 2089]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 31 of title 28, United States Code, is amended by adding immediately after section 504 the following new section:

“§ 504a. Associate Attorney General

“The President may appoint, by and with the advice and consent of the Senate, an Associate Attorney General.”

(b) The section analysis at the beginning of chapter 31 of title 28, United States Code, is amended by adding immediately after

“504. Deputy Attorney General.”

the following new item:

“504a. Associate Attorney General.”

SEC. 2. Section 508(b) of chapter 31 of title 28, United States Code, is revised to read: Vacancies.

“(b) When by reason of absence, disability, or vacancy in office, neither the Attorney General nor the Deputy Attorney General is available to exercise the duties of the office of Attorney General, the Associate Attorney General shall act as Attorney General. The Attorney General may designate the Solicitor General and the Assistant Attorneys General, in further order of succession, to act as Attorney General.”

SEC. 3. Section 5314 of chapter 53 of title 5, United States Code, is amended by adding the following item at the end thereof:

“(66) Associate Attorney General.”

Approved October 19, 1977.

LEGISLATIVE HISTORY:

SENATE REPORT No. 95-429 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 123 (1977):
Sept. 20, considered and passed Senate.
Oct. 18, considered and passed House.

Justice
Department.
Position of
Associate
Attorney
General,
establishment.
28 USC 504a.

Public Law 95-140
95th Congress

An Act

Oct. 21, 1977

[S. 1372]

To amend title 10, United States Code, to abolish one of the two positions of Deputy Secretary of Defense and establish the position of Under Secretary of Defense for Policy and to change the title of the Director of Defense Research and Engineering to the Under Secretary of Defense for Research and Engineering.

Defense
Department.
Deputy and
Under
Secretaries of
Defense.
Position changes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 134 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out “There are two Deputy Secretaries” in the first sentence and inserting in lieu thereof “There is a Deputy Secretary”, and by striking out “a” in the second sentence immediately before “Deputy Secretary”;

(2) in subsection (b), by striking out “Deputy Secretaries” in the first sentence and inserting in lieu thereof “Deputy Secretary” and by striking out “Deputy Secretaries, in the order of precedence, designated by the President” in the second sentence and inserting in lieu thereof “Deputy Secretary”;

(3) in subsection (c), by striking out “The Deputy Secretaries take” and inserting in lieu thereof “The Deputy Secretary takes”; and

(4) in the section heading, by striking out “**Deputy Secretaries**” and inserting in lieu thereof “**Deputy Secretary**”.

(b) The item relating to section 134 in the analysis of chapter 4 of title 10, United States Code, is amended by striking out “Deputy Secretaries” and inserting in lieu thereof “Deputy Secretary”.

Under Secretary
for Policy and
Under Secretary
for Research and
Engineering.

SEC. 2. (a) (1) Subsection (a) of section 135 of title 10, United States Code, is amended to read as follows:

“(a) There are two Under Secretaries of Defense, one of whom shall be the Under Secretary of Defense for Policy and one of whom shall be the Under Secretary of Defense for Research and Engineering. The Under Secretaries of Defense shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. A person may not be appointed Under Secretary of Defense for Policy within ten years after relief from active duty as a commissioned officer of a regular component of an armed force.”.

(2) Subsection (b) of such section is amended by striking out “The Director performs” and inserting in lieu thereof “The Under Secretary of Defense for Policy shall perform such duties and exercise such powers as the Secretary of Defense may prescribe. The Under Secretary of Defense for Research and Engineering shall perform”.

(3) Subsection (c) of such section is amended by striking out “Director” and inserting in lieu thereof “Under Secretary of Defense for Policy”, by striking out “Deputy Secretaries” and inserting in lieu thereof “Deputy Secretary”, and by adding at the end thereof the following new sentence: “The Under Secretary of Defense for Research and Engineering takes precedence in the Department of Defense immediately after the Under Secretary of Defense for Policy.”.

(4) The section heading for such section is amended by striking out “**Director of Defense Research and Engineering**” and inserting in lieu thereof “**Under Secretaries of Defense**”.

(b) The item relating to section 135 in the analysis of chapter 4 of title 10, United States Code, is amended by striking out “**Director of Defense Research and Engineering**” and inserting in lieu thereof “**Under Secretaries of Defense**”.

SEC. 3. (a) Section 136(e) of title 10, United States Code, is amended to read as follows:

“(e) The Assistant Secretaries take precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.”.

(b) (1) Clause (2) of section 171(a) of title 10, United States Code, is amended by striking out “a” and inserting in lieu thereof “the”.

(2) Clause (6) of such section is amended to read as follows:

“(6) the Under Secretaries of Defense;”.

(c) Section 303(c) of the Internal Security Act of 1950 (50 U.S.C. 833(c)) is amended by striking out “Deputy Secretaries” and inserting in lieu thereof “Deputy Secretary”.

(d) (1) Section 5313(1) of title 5, United States Code, is amended to read as follows:

“(1) Deputy Secretary of Defense.”.

(2) Section 5314(32) of such title is amended to read as follows:

“(32) Under Secretaries of Defense (2).”.

Approved October 21, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-519 (Comm. on Armed Services).
SENATE REPORT No. 95-234 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 123 (1977):

June 9, considered and passed Senate.

Sept. 19, considered and passed House, amended.

Oct. 6, Senate concurred in House amendments.

Public Law 95-141
95th Congress

An Act

Oct. 23, 1977
[S. 2169]

To name a certain Federal building in Washington, District of Columbia, the
“Hubert H. Humphrey Building”.

Hubert H.
Humphrey
Building.
Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the South Portal Federal Office Building of the United States Department of Health, Education, and Welfare, located at 200 Independence Avenue Southwest, in Washington, District of Columbia, is hereby designated as the “Hubert H. Humphrey Building”. Any reference in any law, regulation, document, record, map, or other paper of the United States to such building shall be considered to be a reference to the Hubert H. Humphrey Building.

Approved October 23, 1977.

LEGISLATIVE HISTORY:

SENATE REPORT No. 95-485 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Oct. 12, considered and passed Senate.

Oct. 13, considered and passed House.

Public Law 95-142
95th Congress

An Act

To strengthen the capability of the Government to detect, prosecute, and punish fraudulent activities under the medicare and medicaid programs, and for other purposes.

Oct. 25, 1977

[H.R. 3]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the “Medicare-Medicaid Anti-Fraud and Abuse Amendments”.

Medicare-
Medicaid
Anti-Fraud and
Abuse
Amendments.
42 USC 1305
note.

PROHIBITION AGAINST ASSIGNMENT BY PHYSICIANS AND OTHERS OF CLAIMS
FOR SERVICES; CLAIMS PAYMENT PROCEDURES FOR MEDICAID PROGRAM

SEC. 2. (a) (1) Section 1842(b) (5) of the Social Security Act is amended by adding at the end thereof the following new sentence: “No payment which under the preceding sentence may be made directly to the physician or other person providing the service involved (pursuant to an assignment described in subparagraph (B) (ii) of paragraph (3)) shall be made to anyone else under a reassignment or power of attorney (except to an employer or facility as described in clause (A) or (B) of such sentence); but nothing in this subsection shall be construed (i) to prevent the making of such a payment in accordance with an assignment from the individual to whom the service was provided or a reassignment from the physician or other person providing such service if such assignment or reassignment is made to a governmental agency or entity or is established by or pursuant to the order of a court of competent jurisdiction, or (ii) to preclude an agent of the physician or other person providing the service from receiving any such payment if (but only if) such agent does so pursuant to an agency agreement under which the compensation to be paid to the agent for his services for or in connection with the billing or collection of payments due such physician or other person under this title is unrelated (directly or indirectly) to the amount of such payments or the billings therefor, and is not dependent upon the actual collection of any such payment.”.

Carrier contracts.
42 USC 1395u.

(2) Section 1815 of such Act is amended by adding at the end thereof the following new subsection:

42 USC 1395g.

“(c) No payment which may be made to a provider of services under this title for any service furnished to an individual shall be made to any other person under an assignment or power of attorney; but nothing in this subsection shall be construed (1) to prevent the making of such a payment in accordance with an assignment from the provider if such assignment is made to a governmental agency or entity or is established by or pursuant to the order of a court of competent jurisdiction, or (2) to preclude an agent of the provider of services from receiving any such payment if (but only if) such agent does so pursuant to an agency agreement under which the compensation to be paid to the agent for his services for on in connection with the billing or collection of payments due such provider under this title is unrelated (directly or indirectly) to the amount of such pay-

State plans for
medical
assistance.
42 USC 1396a.

ments or the billings therefor, and is not dependent upon the actual collection of any such payment.”.

(3) Section 1902(a) (32) of such Act is amended to read as follows:

“(32) provide that no payment under the plan for any care or service provided to an individual shall be made to anyone other than such individual or the person or institution providing such care or service, under an assignment or power of attorney or otherwise; except that—

“(A) in the case of any care or service provided by a physician, dentist, or other individual practitioner, such payment may be made (i) to the employer of such physician, dentist, or other practitioner if such physician, dentist, or practitioner is required as a condition of his employment to turn over his fee for such care or service to his employer, or (ii) (where the care or service was provided in a hospital, clinic, or other facility) to the facility in which the care or service was provided if there is a contractual arrangement between such physician, dentist, or practitioner and such facility under which such facility submits the bill for such care or service; and

“(B) nothing in this paragraph shall be construed (i) to prevent the making of such a payment in accordance with an assignment from the person or institution providing the care or service involved if such assignment is made to a governmental agency or entity or is established by or pursuant to the order of a court of competent jurisdiction, or (ii) to preclude an agent of such person or institution from receiving any such payment if (but only if) such agent does so pursuant to an agency agreement under which the compensation to be paid to the agent for his services for or in connection with the billing or collection of payments due such person or institution under the plan is unrelated (directly or indirectly) to the amount of such payments or the billings therefor, and is not dependent upon the actual collection of any such payment;”.

Effective date.
42 USC 1395g
note.

(4) The amendments made by this subsection shall apply with respect to care and services furnished on or after the date of the enactment of this Act.

(b) (1) Section 1902(a) of the Social Security Act is amended—

(A) by striking out “and” at the end of paragraph (35);

(B) by striking out the period at the end of paragraph (36) and inserting in lieu thereof “; and”;

(C) by inserting immediately after paragraph (36) the following new paragraph:

“(37) provide for claims payment procedures which (A) ensure that 90 per centum of claims for payment (for which no further written information or substantiation is required in order to make payment) made for services covered under the plan and furnished by health care practitioners through individual or group practices or through shared health facilities are paid within 30 days of the date of receipt of such claims and that 99 per centum of such claims are paid within 90 days of the date of receipt of such claims, and (B) provide for procedures of prepayment and postpayment claims review, including review of appropriate data with respect to the recipient and provider of a service and the nature of the service for which payment is claimed, to ensure the proper and efficient payment of claims and management of the program.”; and

Claims payment
procedures.

(D) by inserting at the end thereof the following paragraph: "The requirement of clause (A) of paragraph (37) with respect to a State plan may be waived by the Secretary if he finds that the State has exercised good faith in trying to meet such requirement."

State plans,
waiver.

(2) The amendments made by paragraph (1) shall apply to calendar quarters beginning on and after July 1, 1978, with respect to State plans approved under title XIX of the Social Security Act.

Effective date.
42 USC 1396a
note.
42 USC 1396.

DISCLOSURE OF OWNERSHIP AND RELATED INFORMATION

SEC. 3. (a)(1) Part A of title XI of the Social Security Act is amended by inserting immediately after section 1123 the following new section:

Regulations.
42 USC 1301.

"DISCLOSURE OF OWNERSHIP AND RELATED INFORMATION

"SEC. 1124. (a)(1) The Secretary shall by regulation or by contract provision provide that each disclosing entity (as defined in paragraph (2)) shall—

42 USC 1320a-3.

"(A) as a condition of the disclosing entity's participation in, or certification or recertification under, any of the programs established by titles V, XVIII, XIX, and XX, or

42 USC 701,
1395, 1396,
1397.

"(B) as a condition for the approval or renewal of a contract or agreement between the disclosing entity and the Secretary or the appropriate State agency under any of the programs established under titles V, XVIII, XIX, and XX,

supply the Secretary or the appropriate State agency with full and complete information as to the identity of each person with an ownership or control interest (as defined in paragraph (3)) in the entity or in any subcontractor (as defined by the Secretary in regulations) in which the entity directly or indirectly has a 5 per centum or more ownership interest.

"(2) As used in this section, the term 'disclosing entity' means an entity which is—

Definitions.

"(A) a provider of services (as defined in section 1861(u), other than a fund), an independent clinical laboratory, a renal disease facility, or a health maintenance organization (as defined in section 1301(a) of the Public Health Service Act);

42 USC 300e.

"(B) an entity (other than an individual practitioner or group of practitioners) that furnishes, or arranges for the furnishing of, items or services with respect to which payment may be claimed by the entity under any plan or program established pursuant to title V or under a State plan approved under title XIX;

"(C) a carrier or other agency or organization that is acting as a fiscal intermediary or agent with respect to one or more providers of services (for purposes of part A or part B of title XVIII, or both, or for purposes of a State plan approved under title XIX) pursuant to (i) an agreement under section 1816, (ii) a contract under section 1842, or (iii) an agreement with a single State agency administering or supervising the administration of a State plan approved under title XIX; or

Post, p. 1198.
42 USC 1395u.

"(D) an entity (other than an individual practitioner or group of practitioners) that furnishes, or arranges for the furnishing of, health related services with respect to which payment may be claimed by the entity under a State plan or program approved under title XX.

"(3) As used in this section, the term 'person with an ownership or control interest' means, with respect to an entity, a person who—

"(A) (i) has directly or indirectly (as determined by the Secretary in regulations) an ownership interest of 5 per centum or more in the entity; or

"(ii) is the owner (in whole or in part) of an interest of 5 per centum or more in any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by the entity or any of the property or assets thereof; or

"(B) is an officer or director of the entity, if the entity is organized as a corporation; or

"(C) is a partner in the entity, if the entity is organized as a partnership.

"(h) To the extent determined to be feasible under regulations of the Secretary, a disclosing entity shall also include in the information supplied under subsection (a) (1), with respect to each person with an ownership or control interest in the entity, the name of any other disclosing entity with respect to which the person is a person with an ownership or control interest."

42 USC 1395x.

(2) Section 1861(j) (11) of such Act is amended to read as follows:

"(11) complies with the requirements of section 1124;"

Agreements.

42 USC 1395cc.

(b) Clause (C) of section 1866(b) (2) of such Act is amended by inserting "(i)" after "failed", and by adding after "to verify such information," the following: "or (ii) to supply (within such period as may be specified by the Secretary in regulations) upon request specifically addressed to such provider by the Secretary (I) full and complete information as to the ownership of a subcontractor (as defined by the Secretary in regulations) with whom such provider has had, during the previous twelve months, business transactions in an aggregate amount in excess of \$25,000, and (II) full and complete information as to any significant business transactions (as defined by the Secretary in regulations), occurring during the five-year period ending on the date of such request, between such provider and any wholly owned supplier or between such provider and any subcontractor;"

42 USC 1396a.

(c) (1) Section 1902(a) of such Act (as amended by section 2(b) (1) of this Act) is amended—

(A) by amending paragraph (35) to read as follows:

"(35) provide that any intermediate care facility receiving payments under such plan complies with the requirements of section 1124;"

Ante, p. 1177.

(B) by striking out "and" at the end of paragraph (36);

(C) by striking out the period at the end of paragraph (37) and inserting in lieu thereof "; and"; and

Business records,
availability.

(D) by inserting after paragraph (37) the following new paragraph:

"(38) require that an entity (other than an individual practitioner or a group of practitioners) that furnishes, or arranges for the furnishing of, items or services under the plan, shall supply (within such period as may be specified in regulations by the Secretary or by the single State agency which administers or supervises the administration of the plan) upon request specifically addressed to such entity by the Secretary or such State agency, respectively, (A) full and complete information as to the ownership of a subcontractor (as defined by the Secretary in regulations) with whom such entity has had, during the previous twelve months, business transactions in an aggregate amount

in excess of \$25,000, and (B) full and complete information as to any significant business transactions (as defined by the Secretary in regulations), occurring during the five-year period ending on the date of such request, between such entity and any wholly owned supplier or between such entity and any subcontractor.”.

(2) Section 1903(i)(2) of such Act is amended by inserting before the semicolon at the end thereof the following: “, or by reason of noncompliance with a request made by the Secretary under clause (C)(ii) of such section 1866(b)(2) or under section 1902(a)(38)”.

(d)(1) Section 2003(d)(1) of such Act is amended—

(A) by striking out “and” at the end of subparagraph (H);

(B) by striking out the period at the end of subparagraph (I) and inserting in lieu thereof “; and”; and

(C) by adding after subparagraph (I) the following new subparagraph:

“(J) provides that any entity (other than an individual practitioner or a group of practitioners) receiving payments for the provision of health related services complies with the requirements of section 1124, and supplies (within such period as may be specified in regulations by the Secretary or by the State agency which administers or supervises the administration of the plan) upon request specifically addressed to such entity by the Secretary or such State agency, respectively, (i) full and complete information as to the ownership of a subcontractor (as defined by the Secretary in regulations) with whom such entity has had, during the previous twelve months, business transactions in an aggregate amount in excess of \$25,000, and (ii) full and complete information as to any significant business transactions (as defined by the Secretary in regulations), occurring during the five-year period ending on the date of such request, between such entity and any wholly owned supplier or between such entity and any subcontractor.”.

(2) Section 2002(a) of such Act is amended by adding at the end thereof the following new paragraph:

“(15) No payment may be made under this section with respect to any expenditure for the provision of any health related service if such service is provided by an entity which has failed to comply with a request made by the Secretary or State agency under section 2003(d)(1)(J), for so long as such entity remains in noncompliance with such request.”.

(e) The amendment made by subsection (a)(1) shall apply with respect to certifications and recertifications made (and participation in the programs established by titles V, XVIII, XIX, and XX of the Social Security Act pursuant to certifications and recertifications made), and fiscal intermediary or agent agreements or contracts entered into or renewed, on and after the date of the enactment of this Act. The remaining amendments made by this section shall take effect on the date of the enactment of this Act; except that the amendments made by subsections (c) and (d) shall become effective January 1, 1978.

42 USC 1396b.

42 USC 1395cc.

42 USC 1396a.

42 USC 1397b.

Business records,
availability.

Ante, p. 1177.

Payments to
States.

42 USC 1397a.

Supra.

Effective dates.

42 USC 1320a-3
note.

42 USC 701,
1395, 1396,
1397.

PENALTIES FOR DEFRAUDING MEDICARE AND MEDICAID PROGRAMS

SEC. 4. (a) Section 1877 of the Social Security Act is amended to read as follows:

42 USC 1395nn.

"PENALTIES

"SEC. 1877. (a) Whoever—

Material facts,
misrepresentation.

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit or payment under this title,

"(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to any such benefit or payment,

Fraudulently
secured benefits.

"(3) having knowledge of the occurrence of any event affecting (A) his initial or continued right to any such benefit or payment, or (B) the initial or continued right to any such benefit or payment of any other individual in whose behalf he has applied for or is receiving such benefit or payment, conceals or fails to disclose such event with an intent fraudulently to secure such benefit or payment either in a greater amount or quantity than is due or when no such benefit or payment is authorized, or

Benefits, misuse.

"(4) having made application to receive any such benefit or payment for the use and benefit of another and having received it, knowingly and willfully converts such benefit or payment or any part thereof to a use other than for the use and benefit of such other person,

shall (i) in the case of such a statement, representation, concealment, failure, or conversion by any person in connection with the furnishing (by that person) of items or services for which payment is or may be made under this title, be guilty of a felony and upon conviction thereof fined not more than \$25,000 or imprisoned for not more than five years or both, or (ii) in the case of such a statement, representation, concealment, failure, or conversion by any other person, be guilty of a misdemeanor and upon conviction thereof fined not more than \$10,000 or imprisoned for not more than one year, or both.

Illegal
remunerations.

"(b) (1) Whoever solicits or receives any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind—

"(A) in return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under this title, or

"(B) in return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under this title,

shall be guilty of a felony and upon conviction thereof, shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.

"(2) Whoever offers or pays any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind to any person to induce such person—

"(A) to refer an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under this title, or

"(B) to purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under this title,

shall be guilty of a felony and upon conviction thereof, shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.

“(3) Paragraphs (1) and (2) shall not apply to—

“(A) a discount or other reduction in price obtained by a provider of services or other entity under this title if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider or entity under this title; and

“(B) any amount paid by an employer to an employee (who has a bona fide employment relationship with such employer) for employment in the provision of covered items or services.

“(c) Whoever knowingly and willfully makes or causes to be made, or induces or seeks to induce the making of, any false statement or representation of a material fact with respect to the conditions or operation of any institution or facility in order that such institution or facility may qualify (either upon initial certification or upon recertification) as a hospital, skilled nursing facility, or home health agency (as those terms are defined in section 1861), shall be guilty of a felony and upon conviction thereof shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.

Health care facilities, condition or operation, misrepresentation.

“(d) Whoever accepts assignments described in section 1842(b) (3) (B) (ii) and knowingly, willfully, and repeatedly violates the term of such assignments specified in subclause (I) of such section, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$2,000 or imprisoned for not more than six months, or both.”

(b) Section 1909 of such Act is amended to read as follows:

42 USC 1396h.

“PENALTIES

“SEC. 1909. (a) Whoever—

“(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit or payment under a State plan approved under this title,

Misrepresentation of material facts.

“(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to such benefit or payment,

“(3) having knowledge of the occurrence of any event affecting (A) his initial or continued right to any such benefit or payment, or (B) the initial or continued right to any such benefit or payment of any other individual in whose behalf he has applied for or is receiving such benefit or payment, conceals or fails to disclose such event with an intent fraudulently to secure such benefit or payment either in a greater amount or quantity than is due or when no such benefit or payment is authorized, or

Fraudulently secured benefits.

“(4) having made application to receive any such benefit or payment for the use and benefit of another and having received it, knowingly and willfully converts such benefit or payment or any part thereof to a use other than for the use and benefit of such other person,

Benefits, misuse.

shall (i) in the case of such a statement, representation, concealment, failure, or conversion by any person in connection with the furnishing (by that person) of items or services for which payment is or may be made under this title, be guilty of a felony and upon conviction thereof fined not more than \$25,000 or imprisoned for not more than five years or both, or (ii) in the case of such a statement, representation, concealment, failure, or conversion by any other person, be guilty of a misdemeanor and upon conviction thereof fined not more than \$10,000

State benefits,
eligibility
restrictions.

or imprisoned for not more than one year, or both. In addition, in any case where an individual who is otherwise eligible for assistance under a State plan approved under this title is convicted of an offense under the preceding provisions of this subsection, the State may at its option (notwithstanding any other provision of this title or of such plan) limit, restrict, or suspend the eligibility of that individual for such period (not exceeding one year) as it deems appropriate; but the imposition of a limitation, restriction, or suspension with respect to the eligibility of any individual under this sentence shall not affect the eligibility of any other person for assistance under the plan, regardless of the relationship between that individual and such other person.

Illegal
remunerations.

“(b) (1) Whoever solicits or receives any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind—

“(A) in return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under this title, or

“(B) in return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under this title,

shall be guilty of a felony and upon conviction thereof, shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.

“(2) Whoever offers or pays any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind to any person to induce such person—

“(A) to refer an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under this title, or

“(B) to purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under this title,

shall be guilty of a felony and upon conviction thereof, shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.

“(3) Paragraphs (1) and (2) shall not apply to—

“(A) a discount or other reduction in price obtained by a provider of services or other entity under this title if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider or entity under this title; and

“(B) any amount paid by an employer to an employee (who has a bona fide employment relationship with such employer) for employment in the provision of covered items or services.

Health care
facilities,
condition or
operation,
misrepresentation.

“(c) Whoever knowingly and willfully makes or causes to be made, or induces or seeks to induce the making of, any false statement or representation of a material fact with respect to the conditions or operation of any institution or facility in order that such institution or facility may qualify (either upon initial certification or upon recertification) as a hospital, skilled nursing facility, intermediate care facility, or home health agency (as those terms are employed in this title) shall be guilty of a felony and upon conviction thereof shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.

“(d) Whoever knowingly and willfully—

“(1) charges, for any service provided to a patient under a State plan approved under this title, money or other consideration at a rate in excess of the rates established by the State, or

“(2) charges, solicits, accepts, or receives, in addition to any amount otherwise required to be paid under a State plan approved under this title, any gift, money, donation, or other consideration (other than a charitable, religious, or philanthropic contribution from an organization or from a person unrelated to the patient)—

“(A) as a precondition of admitting a patient to a hospital, skilled nursing facility, or intermediate care facility, or

“(B) as a requirement for the patient’s continued stay in such a facility,

when the cost of the services provided therein to the patient is paid for (in whole or in part) under the State plan,

shall be guilty of a felony and upon conviction thereof shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.”

(c) Section 204(a) of Public Law 94-505 (42 U.S.C. 3524) (relating to annual reports of the Health, Education, and Welfare Inspector General) is amended by adding at the end thereof the following sentences: “Such report also shall include a detailed description of the cases referred by the Department of Health, Education, and Welfare to the Department of Justice during the period covered by the report, an evaluation of the performance of the Department of Justice in the investigation and prosecution of criminal violations relating to fraud in the programs of health insurance and medical assistance provided under titles XVIII and XIX of the Social Security Act, and any recommendations with respect to improving the performance of such activities by the Department of Justice. Promptly, after the Inspector General submits such a report to Congress, the Attorney General shall report to Congress concerning the details of the disposition of the cases referred to the Department of Justice and described in the Inspector General’s report.”

(d) The amendments made by subsections (a) and (b) shall apply with respect to acts occurring and statements or representations made on or after the date of the enactment of this Act.

Health care facilities, illegal patient admittance and retention practices.

Reports to Congress, contents.

42 USC 1395, 1396.

Effective date.
42 USC 1395nn note.

AMENDMENTS RELATED TO PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

SEC. 5. (a) Section 1152(e) of the Social Security Act is amended to read as follows:

“(e) Where the Secretary finds a Professional Standards Review Organization (whether designated on a conditional basis or otherwise) to be competent to perform review responsibilities, the review, certification, and similar activities otherwise required pursuant to provisions of this Act (other than this part) shall not be applicable with respect to those providers, suppliers, and practitioners being reviewed by such Professional Standards Review Organization, except to the extent specified by the Secretary. Nothing in the preceding sentence shall be construed as rendering inapplicable any provision of this Act wherein requirements with respect to conditions for eligibility to or payment of benefits (as distinct from reviews and certifications made with respect to determinations of the kind made pursuant to paragraphs (1) and (2) of section 1155(a)) must be satisfied.”

42 USC 1320c-1.

42 USC 1320c-4.

42 USC 1320c-3.

(b) (1) Section 1154(b) of such Act is amended—

(A) by striking out “(which may not exceed 24 months)” in the first sentence and inserting in lieu thereof “(which may not exceed 48 months except as provided in subsection (c))”;

(B) by inserting “, in addition to review of health care services provided by or in institutions,” in the first sentence after “perform”; and

(C) by striking out “or ordered by physicians” and all that follows through “and organizations” in the second sentence and inserting in lieu thereof “by or in institutions (including ancillary services) and, in addition, review of such other health care services as the Secretary may require”.

Trial period,
extension.

(2) Section 1154 of such Act is further amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) If the Secretary finds that an organization designated under subsection (a) has been unable to perform satisfactorily all of the duties and functions required under this part for reasons beyond the organization’s control, he may extend such organization’s trial period for an additional period not exceeding twenty-four months.”.

42 USC 1320c-4.

(c) (1) Section 1155 of such Act is amended—

(A) by striking out “directly or indirectly involved in” in subsection (a) (6) (A) and inserting in lieu thereof “directly responsible for”;

(B) by striking out “any financial” in subsection (a) (6) (B) and inserting in lieu thereof “a significant financial”;

Grants.

(C) by inserting after subsection (f) (2) the following new paragraph:

“(3) Any such agreement with an organization under this part may be in the form of a grant or an assistance agreement.”; and

Review
responsibility
requests.

(D) by striking out subsection (g) and inserting in lieu thereof the following new subsection:

“(g) (1) Where a Professional Standards Review Organization (whether designated on a conditional basis or otherwise) requests review responsibility with respect to services furnished in shared health facilities, the Secretary must give priority to such request, with the highest priority being assigned to requests from organizations located in areas with substantial numbers of shared health facilities.

Ambulatory care
services, review.

“(2) The Secretary shall require any Professional Standards Review Organization which is capable of exercising review responsibility with respect to ambulatory care services to perform review responsibility with respect to such services on and after a date not earlier than the date the organization is designated as a Professional Standards Review Organization (other than under section 1154) and not later than two years after the date the organization has been so designated, but any such designated Professional Standards Review Organization may be approved to perform such review responsibility at any earlier time if such organization applies for, and is found capable of exercising, such responsibility.”.

“Shared health
facility.”
42 USC 1301.

(2) Section 1101(a) of such Act is amended by inserting after paragraph (8) the following new paragraph:

“(9) The term ‘shared health facility’ means any arrangement whereby—

“(A) two or more health care practitioners practice their professions at a common physical location:

“(B) such practitioners share (i) common waiting areas, examining rooms, treatment rooms, or other space, (ii) the services of supporting staff, or (iii) equipment;

“(C) such practitioners have a person (who may himself be a practitioner)—

“(i) who is in charge of, controls, manages, or supervises substantial aspects of the arrangement or operation for the delivery of health or medical services at such common physical location, other than the direct furnishing of professional health care services by the practitioners to their patients; or

“(ii) who makes available to such practitioners the services of supporting staff who are not employees of such practitioners;

and who is compensated in whole or in part, for the use of such common physical location or support services pertaining thereto, on a basis related to amounts charged or collected for the services rendered or ordered at such location or on any basis clearly unrelated to the value of the services provided by the person; and

“(D) at least one of such practitioners received payments on a fee-for-service basis under titles V, XVIII, and XIX in an amount exceeding \$5,000 for any one month during the preceding 12 months or in an aggregate amount exceeding \$40,000 during the preceding 12 months;

42 USC 701,
1395, 1396.

except that such term does not include a provider of services (as defined in section 1861(u) of this Act), a health maintenance organization (as defined in section 1301(a) of the Public Health Service Act), a hospital cooperative shared services organization meeting the requirements of section 501(e) of the Internal Revenue Code of 1954, or any public entity.”.

42 USC 1395x.
42 USC 300e.

26 USC 501.

(d)(1) Section 1158 of such Act is amended by adding at the end thereof the following new subsection:

Claim payments
review.
42 USC 1320c-7.

“(c) Where a Professional Standards Review Organization (whether designated on a conditional basis or otherwise) has been found competent by the Secretary to assume review responsibility with respect to specified types of health care services or specified providers or practitioners of such services and is performing such reviews, determinations made pursuant to paragraphs (1) and (2) of section 1155 (a) in connection with such reviews shall constitute the conclusive determination on those issues (subject to sections 1159, 1171(a)(1), and 1171(d)(3)) for purposes of payment under this Act, and no reviews with respect to those determinations shall be conducted, for purposes of payment, by agencies and organizations which are parties to agreements entered into by the Secretary pursuant to section 1816, carriers which are parties to contracts entered into by the Secretary pursuant to section 1842, or single State agencies administering or supervising the administration of State plans approved under title XIX.”.

42 USC 1320c-4.

42 USC 1320c-8.
Post, p. 1186.

42 USC 1395h.

42 USC 1395u.

(2)(A) Section 1152(b)(2) of such Act is amended by striking out “submitted to him by the association, agency, or organization” and inserting in lieu thereof “which shall be developed and submitted by the association, agency, or organization in accordance with subsection (h)”.

42 USC 1320c-1.

(B) Section 1152 of such Act is further amended by adding at the end thereof the following new subsection:

State health care
facility plans,
preparation.

“(h)(1) During the development and preparation by an organization of its formal plan under subsection (b)(2) or of any modification of such plan to include review of services in skilled nursing facilities (as defined in section 1861(j)) or intermediate care facilities (as defined in section 1905(c)) or review of ambulatory care services, the organization shall consult with the single State agency responsible

42 USC 1395x.
42 USC 1396d.

42 USC 1396.

for administering or supervising the administration of the State plan approved under title XIX for the State in which the organization is located.

“(2) Such plan and any such modification shall be submitted to the Governor of such State, at the time of its submission to the Secretary, for his comments.

“(3) The Secretary, before making the findings described in subsection (b) (2) or a finding regarding the organization’s capability to perform review of such services (as the case may be), shall consider any such comments submitted to him by such Governor before the end of the thirty-day period beginning on the date of submission of the plan or of any such modification (as the case may be).

“(4) If, after considering such comments, the Secretary intends to make findings which are adverse to such comments, the Secretary shall provide the Governor making such comments with the opportunity to submit additional evidence and comments on such intended findings during a period of not less than thirty days ending before the findings became effective.”

Evaluation
procedures.
Ante, p. 1184.

(C) Section 1154 of such Act (as amended by subsection (b) (2) of this section) is further amended by adding after subsection (d) the following new subsection:

“(e) In determining whether an organization designated on a conditional basis as the Professional Standards Review Organization for any area is substantially carrying out its duties in a satisfactory manner and should be considered a qualified organization, the Secretary shall follow the procedures specified in section 1152(h) (concerning the Secretary’s consideration of comments of the Governor of the State in which the organization is located).”

Ante, p. 1185.

(D) Part B of title XI of such Act is amended by adding after section 1170 the following new section:

“MEMORANDUMS OF UNDERSTANDING; FEDERAL-STATE RELATIONS
GENERALLY

42 USC
1320c-20.
42 USC 1320c-4.
Ante, p. 1185.
42 USC 1396.

“SEC. 1171. (a) (1) Except as provided in paragraph (2), no determination made by a Professional Standards Review Organization pursuant to paragraphs (1) and (2) of section 1155(a) in connection with reviews shall constitute conclusive determinations under section 1158(c) for purposes of payment under title XIX, unless such organization has entered into a memorandum of understanding, approved by the Secretary, with the single State agency responsible for administering or supervising the administration of the State plan approved under title XIX for the State in which the organization is located (hereinafter in this section referred to as the ‘State agency’) for the purpose of delineating the relationship between the organization and the State agency and of providing for the exchange of data or information, and for administrative procedures, coordination mechanisms, and modification of the memorandum at any time that additional responsibility for review by the organization is authorized by the Secretary.

Waiver.

“(2) The requirement of paragraph (1) may be waived by the Secretary if (A) the State agency indicates to the Secretary that it does not wish to enter into a memorandum of understanding with the organization involved, or (B) the Secretary finds that the State agency has refused to negotiate in good faith or in a timely manner with the organization involved.

“(b)(1) The State agency may request a Professional Standards Review Organization which is entering into such a memorandum of understanding with the agency to include in the memorandum a specification of review goals or methods (additional to any such goals or methods contained in the organization's formal plan) for the performance of the organization's duties and functions under this part.

Review goals and methods, specification.

“(2) If the agency and the organization cannot reach agreement regarding the inclusion of any such requested specification, the Secretary shall review such specification and shall require that the specification be included in the memorandum to the extent that the Secretary determines that such specification of goals or methods (A) is consistent with the functions of the organization under this part and with the provisions of title XIX and the State's plan approved under such title, and (B) does not seriously impact on the effectiveness and uniformity of the organization's review of health care services paid for under title XVIII and title XIX of this Act.

42 USC 1396.

“(c) Notwithstanding any other provision of this Act, the State agency may contract with any Professional Standards Review Organization located in the State for the performance of review responsibilities in addition to those performed pursuant to this part (and the cost of performance of such additional responsibilities is reimbursable as an expense of the State agency under section 1903(a)) if—

42 USC 1395.
Additional State review requests.

“(1) the State agency formally requests the performance of such additional responsibilities, and

42 USC 1396b.

“(2) the performance of such additional responsibilities is not inconsistent with this part and is provided for in an amendment to the State's plan which is approved by the Secretary under title XIX.

“(d)(1) Each State agency may monitor the performance of review responsibilities by Professional Standards Review Organizations located within the State, in accordance with a State monitoring plan which is developed after review and comment by such organizations and is approved by the Secretary. The costs of activities of the State agency under and in accordance with such plan are reimbursable as an expense of the State agency under section 1903(a).

State monitoring plans.

“(2) A monitoring plan developed and approved under paragraph (1) may include a specification of performance criteria for judging the effectiveness of the review performance of the Professional Standards Review Organizations. If the State agency and the Professional Standards Review Organizations cannot reach agreement regarding such criteria, the Secretary shall assist the agency and organizations in resolving the matters in dispute.

“(3)(A) Whenever a State agency monitoring the performance of review responsibilities by a Professional Standards Review Organization under a plan developed and approved under paragraph (1) submits to the Secretary reasonable documentation that the review determinations of such organization have caused an unreasonable and detrimental impact on total State expenditures under title XIX and on the appropriateness of care received by individuals under the State's plan approved under such title, and requests the Secretary to act, the Secretary shall, within thirty days from the date of receipt of the documentation, make a determination as to the reasonableness of the allegation by the State agency. If the Secretary determines that the review determinations of such organization have caused an unreasonable and detrimental impact on total State expenditures under title XIX and on the appropriateness of care received by individuals under the State's plan approved under such title, unless the Secretary determines that

Review organization's authority, suspension.

Ante, p. 1185.
42 USC 1396.
42 USC 1395.

Notification of
congressional
committees.

Procedures and
mechanisms,
development.

Review
committees of
hospitals and
other health care
facilities.
42 USC 1320c-4.
Post, p. 1207.
42 USC 1396d.

the organization has taken appropriate corrective action, he shall immediately suspend such organization's authority in whole or in part under section 1158(c) to make conclusive determinations for purposes of payment under title XIX (and he may suspend such authority for purposes of payment under title XVIII) until he (i) reevaluates such organization's performance of the responsibilities involved and determines that such performance does not have such unreasonable and detrimental impact, or (ii) determines that the organization has taken appropriate corrective action. Any determination made by the Secretary under this subparagraph shall be final and shall not be subject to judicial review.

"(B) The Secretary shall notify the State agency submitting such documentation, and the organization involved, in writing, of his determination, any subsequent actions taken, and the basis thereof, and shall notify the appropriate committees of the United States House of Representatives and the Senate of any such documentation submitted and the actions taken.

"(e) (1) The Secretary shall in a timely manner establish procedures and mechanisms to govern his relationships with State agencies under this part (specifically including his relationships with such agencies in connection with their respective functions under the preceding provisions of this section). Such mechanisms shall include periodic consultation by the Secretary with State agency representatives and representatives of Professional Standards Review Organizations regarding relationships between such agencies and such organizations (including the appropriate exchange of data and information between such agencies and such organizations) and other problems of mutual concern, and such procedures shall permit the State agency to be represented on any project assessments conducted by the Secretary with respect to a Professional Standards Review Organization located within its State.

"(2) Each Professional Standards Review Organization shall provide to the State agency for the State in which it is located, upon request, data or information which the Secretary requires such organizations to report to him routinely on a periodic basis, and such other data or information as the Secretary authorizes to be disclosed."

(3) (A) Section 1155(e) (1) of such Act is amended by striking out "of a hospital or other operating health care facility or organization" and inserting in lieu thereof "of a hospital (including any skilled nursing facility, as defined in section 1861(j), or intermediate care facility, as defined in section 1905(c), which is also a part of such hospital) or other operating health care facility or organization (other than such a skilled nursing facility or intermediate care facility which is not a part of a hospital)".

(B) Section 1155(a) of such Act is amended—

(i) by inserting "(except as provided in paragraph (7))" in paragraph (1) after "institutional and noninstitutional providers of health care services"; and

(ii) by inserting after paragraph (6) the following new paragraph:

"(7) (A) Except as provided in subparagraph (B), a Professional Standards Review Organization located in a State has the function and duty to assume responsibility for the review under paragraph (1) of professional activities in intermediate care facilities (as defined in section 1905(c)) and in public institutions for the mentally retarded (described in section 1905(d)(1)) only if (i) the Secretary finds, on the basis of such documentation as he may require from the State, that

the single State agency which administers or supervises the administration of the State plan approved under title XIX for that State is not performing effective review of the quality and necessity of health care services provided in such facilities and institutions, or (ii) the State requests such organization to assume such responsibility.

42 USC 1396.

“(B) A Professional Standards Review Organization located in a State has the function and duty to assume responsibility for the review under paragraph (1) of professional activities in intermediate care facilities in the State that are also skilled nursing facilities (as defined in section 1861(j)), to the extent that the Secretary finds that the performance of such function by the single State agency (described in subparagraph (A)) for that State is inefficient.”.

Post, p. 1207.

(e) Section 1160(b)(1) of such Act is amended by striking out “practitioner or provider” and inserting in lieu thereof “health care practitioner or hospital, or other health care facility, agency, or organization” each time it appears therein.

42 USC 1320c-9.

(f) Section 1163(a)(2) of such Act is amended to read as follows:

42 USC
1320c-12.

“(2) Members of the Council shall be appointed for a term of three years, except that the Secretary may provide, in the case of any terms scheduled to expire after January 1, 1978, for such shorter terms as will ensure that (on a continuing basis) the terms of no more than four members expire in any year. Members of the Council shall be eligible for reappointment.”.

(g) Section 1163 of such Act is amended by striking out subsection (f).

(h) Section 1166 of such Act is amended—

Data and
information.
42 USC
1320c-15.

(1) by striking out “or (2)” in subsection (a) and inserting in lieu thereof “, (2)”;

(2) by inserting the following immediately before the period at the end of subsection (a): “, or (3) in accordance with subsection (b)”;

(3) by redesignating subsection (b) as subsection (c);

(4) by inserting the following new subsection immediately after subsection (a);

“(b) A Professional Standards Review Organization shall provide, in accordance with procedures established by the Secretary, data and information—

“(1) to assist Federal and State agencies recognized by the Secretary as having responsibility for identifying and investigating cases or patterns of fraud or abuse, which data and information shall be provided by such organization to such agencies at the request of such agencies at the discretion of such Organization on the basis of its findings with respect to evidence of fraud or abuse; and

“(2) to assist the Secretary, and such Federal and State agencies recognized by the Secretary as having health planning or related responsibilities under Federal or State law (including health systems agencies and State health planning and developing agencies), in carrying out appropriate health care planning and related activities, which data and information shall be provided in such format and manner as may be prescribed by the Secretary or agreed upon by the responsible Federal and State agencies and such Organization, and shall be in the form of aggregate statistical data (without identifying any individual) on a geographic, institutional, or other basis reflecting the volume and frequency of services furnished, as well as the demographic characteristics of the population subject to review by such Organization.

The penalty provided in subsection (c) shall not apply to the disclosure of any data and information received under this subsection, except that such penalty shall apply to the disclosure (by the agency receiving such data and information) of any such data and information described in paragraph (1) unless such disclosure is made in a judicial, administrative, or other formal legal proceeding resulting from an investigation conducted by the agency receiving the data and information.”; and

Patient records,
nondisclosure.
42 USC
1320c-15.

(5) by inserting after subsection (c) (as so redesignated) the following new subsection:

“(d) No patient record in the possession of a Professional Standards Review Organization, a Statewide Professional Standards Review Council, or the National Professional Standards Review Council shall be subject to subpoena or discovery proceedings in a civil action.”.

Payment.
42 USC
1320c-16.

(i) Section 1167 of such Act is amended by adding the following new subsection at the end thereof:

“(d) The Secretary shall make payment to a Professional Standards Review Organization, whether conditionally designated or qualified, or to any member or employee thereof, or to any person who furnishes legal counsel or services to such organization, in an amount equal to the reasonable amount of the expenses incurred, as determined by the Secretary, in connection with the defense of any suit, action, or proceeding brought against such organization, member, or employee related to the performance of any duty or function of such organization, member, or employee (as described in section 1155).”.

42 USC 1320c-4.
42 USC
1320c-17.

(j) Section 1168 of such Act is amended by adding at the end thereof the following new sentence: “The Secretary shall make payments to Professional Standards Review Organizations (whether designated on a conditional basis or otherwise) from funds described in the first sentence of this section (without any requirement for the contribution of funds by any State or political subdivision thereof) for expenses incurred in the performance of duties by such Organizations.”.

Annual report to
Congress.
Ante, p. 1186.

(k) Part B of title XI of such Act (as amended by subsection (d) (2) (D) of this section) is further amended by adding after section 1171 the following new section:

“ANNUAL REPORTS

42 USC
1320c-21.

“SEC. 1172. The Secretary shall submit to the Congress not later than April 1, 1978, and not later than April 1 of each year thereafter, a full and complete report on the administration, impact, and cost of the program under this part during the preceding fiscal year, including data and information on—

“(1) the number, status (conditional or otherwise), and service areas of, and review methodologies employed by, all Professional Standards Review Organizations participating in the program;

“(2) the number of health care institutions and practitioners whose services are subject to review by Professional Standards Review Organizations, and the number of beneficiaries and recipients who received services subject to such review during such year;

“(3) the imposition of penalties and sanctions under this title for violations of law and for failure to comply with the obligations imposed by this part;

“(4) the total costs incurred under titles V, XI, XVIII, and XIX of this Act in the implementation and operation of all pro-

42 USC 701,
1301, 1395,
1396.

cedures required by such titles for the review of services to determine their medical necessity, appropriateness of use, and quality;

“(5) changes in utilization rates and patterns, and changes in medical procedures and practices, attributable to the activities of Professional Standards Review Organizations;

“(6) the results of program evaluation activities, including the operation of data collection systems and the status of Professional Standards Review Organization data policy and implementation;

“(7) the extent to which Professional Standards Review Organizations are performing reviews of services for other governmental or private health insurance programs; and

“(8) recommendations for legislative changes.”.

(1) (1) Title XI of such Act (as amended by subsections (d) (2) (D) and (k) of this section) is further amended by adding after section 1172 the following new section:

Ante, p. 1190.

“MEDICAL OFFICERS IN AMERICAN SAMOA, THE NORTHERN MARIANA ISLANDS, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS TO BE INCLUDED IN THE PROFESSIONAL STANDARDS REVIEW PROGRAM

“Sec. 1173. For purposes of applying this part (except sections 1155(c) and 1163) to American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, individuals licensed to practice medicine in those places shall be considered to be physicians and doctors of medicine.”.

42 USC
1320c-22.
42 USC 1320c-4,
1320c-12.

(2) The second sentence of section 1101(a)(1) of such Act is amended by inserting “and in part B of this title” after “title V”.

42 USC 1301.

(m) Section 1861(w)(2) of such Act is amended by inserting “part B of this title or under” immediately after “entitled to have payment made for such services under”.

42 USC 1395x.

(n) Section 1167 of such Act is amended—

42 USC
1320c-16.

(1) by inserting “or to any Statewide Professional Standards Review Council” in subsection (a) after “Professional Standards Review Organization”;

(2) by inserting “or such Council” in subsection (a) after “such Organization”;

(3) by inserting “or of any Statewide Professional Standards Review Council” in subsection (b)(1) after “Professional Standards Review Organization”;

(4) by inserting “or council” in subsection (b)(1) after “organization”;

(5) by inserting “or of Statewide Professional Standards Review Councils” in subsection (b)(1) after “Review Organizations”; and

(6) by inserting “AND STATEWIDE PROFESSIONAL STANDARDS REVIEW COUNCILS” in the heading of the section after “PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS”.

(o) (1) Section 1152(b)(1)(A) of such Act is amended by striking out “subsection (c)(i)” and inserting in lieu thereof “subsection (c)(1)”.

42 USC 1320c-1.

(2) Section 1155(a)(1) of such Act is amended by striking out “(subject to the provisions of subsection (g))” in the matter preceding subparagraph (A).

42 USC 1320c-4.

(3) Section 1160(b)(1) of such Act is amended by inserting “or” after “permanently” in the matter following subparagraph (B).

Ante, p. 1189.

- 42 USC 1320c-4. (p) Section 1155(a)(5) of such Act is amended by striking out all that follows "Professional Standards Review Organization" and inserting in lieu thereof a period.

ISSUANCE OF SUBPENAS BY COMPTROLLER GENERAL

Ante, p. 1177.

SEC. 6. Part A of title XI of the Social Security Act is amended by inserting after section 1124 (added by section 3(a) of this Act) the following new section:

"ISSUANCE OF SUBPENAS BY COMPTROLLER GENERAL

- 42 USC 1320a-4. "SEC. 1125. (a) For the purpose of any audit, investigation, examination, analysis, review, evaluation, or other function authorized by law with respect to any program authorized under this Act, the Comptroller General of the United States shall have power to sign and issue subpoenas to any person requiring the production of any pertinent books, records, documents, or other information. Subpoenas so issued by the Comptroller General shall be served by anyone authorized by him (1) by delivering a copy thereof to the person named therein, or (2) by registered mail or by certified mail addressed to such person at his last dwelling place or principal place of business. A verified return by the person so serving the subpoena setting forth the manner of service, or, in the case of service by registered mail or by certified mail, the return post office receipt therefor signed by the person so served, shall be proof of service.

Noncompliance,
penalty.
Representation.

"(b) In case of contumacy by, or refusal to obey a subpoena issued pursuant to subsection (a) of this section and duly served upon, any person, any district court of the United States for the judicial district in which such person charged with contumacy or refusal to obey is found or resides or transacts business, upon application by the Comptroller General, shall have jurisdiction to issue an order requiring such person to produce the books, records, documents, or other information sought by the subpoena; and any failure to obey such order of the court may be punished by the court as a contempt thereof. In proceedings brought under this subsection, the Comptroller General shall be represented by attorneys employed in the General Accounting Office or by counsel whom he may employ without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapters III and VI of chapter 53 of such title, relating to classification and General Schedule pay rates.

5 USC 101 *et seq.*

5 USC 5101,
5331, 5361.

Personal medical
records,
nondisclosure.

"(c) No personal medical record in the possession of the General Accounting Office shall be subject to subpoena or discovery proceedings in a civil action."

SUSPENSION OF PRACTITIONERS CONVICTED OF MEDICARE- OR MEDICAID-RELATED CRIMES

42 USC 1395y.

SEC. 7. (a) Section 1862 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(e) (1) Whenever the Secretary determines that a physician or other individual practitioner has been convicted (on or after the date of the enactment of this subsection, or within such period prior to that date as the Secretary shall specify in regulations) of a criminal offense related to such physician's or practitioner's involvement in the programs under this title or the program under title XIX, the Secretary

42 USC 1396.

shall suspend such physician or practitioner from participation in the program under this title for such period as he may deem appropriate; and no payment may be made under this title with respect to any item or service furnished by such physician or practitioner during the period of such suspension. The provisions of paragraphs (2) and (3) of subsection (d) shall apply with respect to determinations made by the Secretary under this subsection.

“(2) In any case where the Secretary under paragraph (1) suspends any physician or other individual practitioner from participation in the program under this title, he shall—

Notification of State or local agencies.

“(A) promptly notify each single State agency which administers or supervises the administration of a State plan approved under title XIX of the fact, circumstances, and period of such suspension; and

42 USC 1396.

“(B) promptly notify the appropriate State or local agency or authority having responsibility for the licensing or certification of such physician or practitioner of the fact and circumstances of such suspension, request that appropriate investigations be made and sanctions invoked in accordance with applicable State law and policy, and request that such State or local agency or authority keep the Secretary and the Inspector General of the Department of Health, Education, and Welfare fully and currently informed with respect to any actions taken in response to such request.”.

(b) Section 1902(a) of such Act (as amended by section 2(b) and 3(c) of this Act) is amended—

Ante, pp. 1176, 1178.

(1) by striking out “and” at the end of paragraph (37);

(2) by striking out the period at the end of paragraph (38) and inserting in lieu thereof “; and”; and

(3) by inserting after paragraph (38) the following new paragraph:

“(39) provide that, subject to subsection (g), whenever the single State agency which administers or supervises the administration of the State plan is notified by the Secretary under section 1862(e) (2) (A) that a physician or other individual practitioner has been suspended from participation in the program under title XVIII, the agency shall promptly suspend such physician or practitioner from participation in the plan for not less than the period specified in such notice, and no payment may be made under the plan with respect to any item or service furnished by such physician or practitioner during the period of the suspension under this title.”.

Ante, p. 1192.

42 USC 1395.

(c) Section 1902 of such Act is amended by adding after subsection (f) the following new subsection:

Suspension, waiver.

“(g) The Secretary may waive suspension under subsection (a) (39) of a physician's or practitioner's participation in a State plan approved under this title and of the prohibition under such subsection of payment for any item or service furnished by him during the period of such suspension, if the single State agency which administers or supervises the administration of the plan submits a request to the Secretary for such waiver and if the Secretary approves such request.”.

Supra.

(d) Section 332(c) of the Public Health Service Act (relating to considerations in the designation of health manpower shortage areas) is amended by inserting after paragraph (2) the following new paragraph:

42 USC 254e.

42 USC 1395,
1396.

Effective dates.
42 USC 254e
note.

42 USC 1396a
note.

“(3) The extent to which individuals who are (A) residents of the area, members of the population group, or patients in the medical facility or other public facility under consideration for designation, and (B) entitled to have payment made for medical services under title XVIII or XIX of the Social Security Act, cannot obtain such services because of suspension of physicians from the programs under such titles.”.

(e) (1) The amendment made by subsection (d) shall apply with respect to determinations and designations made on and after the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall become effective on January 1, 1978.

DISCLOSURE BY PROVIDERS OF OWNERS AND CERTAIN OTHER INDIVIDUALS
CONVICTED OF CERTAIN OFFENSES

Ante, p. 1192.

SEC. 8. (a) Part A of title XI of the Social Security Act is amended by inserting after section 1125 (added by section 6 of this Act) the following new section:

“DISCLOSURE BY INSTITUTIONS, ORGANIZATIONS, AND AGENCIES OF OWNERS
AND CERTAIN OTHER INDIVIDUALS WHO HAVE BEEN CONVICTED OF CER-
TAIN OFFENSES

42 USC
1320a-5.
42 USC 1395,
1396, 1397.

“SEC. 1126. (a) As a condition of participation in or certification or recertification under the programs established by titles XVIII, XIX, and XX, any hospital, nursing facility, or other institution, organization, or agency shall be required to disclose to the Secretary or to the appropriate State agency the name of any person who—

“(1) has a direct or indirect ownership or control interest of 5 percent or more in such institution, organization, or agency or is an officer, director, agent, or managing employee (as defined in subsection (b)) of such institution, organization, or agency, and

“(2) has been convicted (on or after the date of the enactment of this section, or within such period prior to that date as the Secretary shall specify in regulations) of a criminal offense related to the involvement of such person in any of such programs.

The Secretary or the appropriate State agency shall promptly notify the Inspector General in the Department of Health, Education, and Welfare of the receipt from any institution, organization, or agency of any application or request for such participation, certification, or recertification which discloses the name of any such person, and shall notify the Inspector General of the action taken with respect to such application or request.

“Managing”
employee.

“(b) For the purposes of this section, the term ‘managing employee’ means, with respect to an institution, organization, or agency, an individual, including a general manager, business manager, administrator, and director, who exercises operational or managerial control over the institution, organization, or agency, or who directly or indirectly conducts the day-to-day operations of the institution, organization, or agency.”.

42 USC 1395cc.

(b) (1) Section 1866(a) of such Act is amended by adding at the end thereof the following new paragraph:

“(3) The Secretary may refuse to enter into or renew an agreement under this section with a provider of services if any person who has a direct or indirect ownership or control interest of 5 percent or more in

such provider, or who is an officer, director, agent, or managing employee (as defined in section 1126(b)) of such provider, is a person described in section 1126(a).”

Ante, p. 1194.

(2) Section 1866(b)(2) of such Act is amended by inserting before the period at the end thereof the following: “, or (G) that such provider (at the time the agreement was entered into) did not fully and accurately make any disclosure required of it by section 1126(a).”

42 USC 1395cc.

(c) Section 1903 of such Act is amended by adding after subsection (m) the following new subsection:

42 USC 1396b.

“(n) The State agency may refuse to enter into any contract or agreement with a hospital, nursing home, or other institution, organization, or agency for purposes of participation under the State plan, or otherwise to approve an institution, organization, or agency for such purposes, if any person, who has a direct or indirect ownership or control interest of 5 percent or more in such institution, organization, or agency, or who is an officer, director, agent, or managing employee (as defined in section 1126(b)) of such institution, organization, or agency, is a person described in section 1126(a) (whether or not such institution, organization, or agency has in effect an agreement entered into with the Secretary pursuant to section 1866 or is subject to a suspension of payment order issued under subsection (j) of this section); and, notwithstanding any other provision of this section, the State agency may terminate any such contract, agreement, or approval if it determines that the institution, organization, or agency did not fully and accurately make any disclosure required of it by section 1126(a) at the time such contract or agreement was entered into or such approval was given.”

(d) Section 2002(a) of such Act (as amended by section 3(d) of this Act) is further amended by adding at the end thereof the following new paragraph:

Ante, p. 1179.

“(16) Any State may refuse to enter into a contract or other arrangement with a provider of services for purposes of participation under the program established by this title, or otherwise to approve a provider for such purposes, if any person who has a direct or indirect ownership or control interest of 5 percent or more in such provider, or who is an officer, director, agent, or managing employee (as defined in section 1126(b)) of such provider, is a person described in section 1126(a), and the State may terminate any such contract, arrangement, or approval if it determines that the provider did not fully and accurately make any disclosure required of it by section 1126(a) at the time the contract or arrangement was entered into or the approval was given.”

(e) The amendments made by this section shall apply with respect to contracts, agreements, and arrangements entered into and approvals given pursuant to applications or requests made on and after the first day of the fourth month beginning after the date of the enactment of this Act.

Effective date.
42 USC 1320a-5
note.

FEDERAL ACCESS TO RECORDS

SEC. 9. Section 1902(a)(27)(B) of the Social Security Act is amended by inserting “or the Secretary” after “State agency” each place it appears.

42 USC 1396a.

CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEMS FOR MEDICAID PROGRAMS

SEC. 10. (a) Section 1903(a)(3)(B) of the Social Security Act is amended by striking out “notice to each individual who is furnished services covered by the plan of the specific services so covered” and

42 USC 1396b.

inserting in lieu thereof "notice to each individual who is furnished services covered by the plan, or to each individual in a sample group of individuals who are furnished such services, of the specific services (other than confidential services) so covered".

Effective date.
42 USC 1396b
note.

(b) The amendment made by subsection (a) shall apply with respect to calendar quarters beginning after the date of the enactment of this Act.

RESTRICTION ON FEDERAL MEDICAID PAYMENTS; ASSIGNMENT OF RIGHTS OF PAYMENT; INCENTIVE PAYMENTS

Ante, p. 1195.

SEC. 11. (a) Section 1903 of the Social Security Act is amended by adding after subsection (n) (added by section 8(c) of this Act) the following new subsections:

"(o) Notwithstanding the preceding provisions of this section, no payment shall be made to a State under the preceding provisions of this section for expenditures for medical assistance provided for an individual under its State plan approved under this title to the extent that a private insurer (as defined by the Secretary by regulation) would have been obligated to provide such assistance but for a provision of its insurance contract which has the effect of limiting or excluding such obligation because the individual is eligible for or is provided medical assistance under the plan.

Infra.

"(p)(1) When a political subdivision of a State makes, for the State of which it is a political subdivision, or one State makes, for another State, the enforcement and collection of rights of support or payment assigned under section 1912, pursuant to a cooperative arrangement under such section (either within or outside of such State), there shall be paid to such political subdivision or such other State from amounts which would otherwise represent the Federal share of payments for medical assistance provided to the eligible individuals on whose behalf such enforcement and collection was made, an amount equal to 15 percent of any amount collected which is attributable to such rights of support or payment.

"(2) Where more than one jurisdiction is involved in such enforcement or collection, the amount of the incentive payment determined under paragraph (1) shall be allocated among the jurisdictions in a manner to be prescribed by the Secretary."

(b) Title XIX of the Social Security Act is amended by adding at the end thereof the following new section:

"ASSIGNMENT OF RIGHTS OF PAYMENT

42 USC 1396k.

"SEC. 1912. (a) For the purpose of assisting in the collection of medical support payments and other payments for medical care owed to recipients of medical assistance under the State plan approved under this title, a State plan for medical assistance may—

"(1) provide that, as a condition of eligibility for medical assistance under the State plan to an individual who has the legal capacity to execute an assignment for himself, the individual is required—

"(A) to assign the State any rights, of the individual or of any other person who is eligible for medical assistance under this title and on whose behalf the individual has the legal authority to execute an assignment of such rights, to support (specified as support for the purpose of medical care by a court or administrative order) and to payment for medical care from any third party; and

“(B) to cooperate with the State (i) in establishing the paternity of such person (referred to in subparagraph (A)) if the person is a child born out of wedlock, and (ii) in obtaining support and payments (described in subparagraph (A)) for himself and for such person, unless (in either case) the individual is found to have good cause for refusing to cooperate as determined by the State agency in accordance with standards prescribed by the Secretary, which standards shall take into consideration the best interests of the individuals involved; and

“(2) provide for entering into cooperative arrangements (including financial arrangements), with any appropriate agency of any State (including, with respect to the enforcement and collection of rights of payment for medical care by or through a parent, with a State’s agency established or designated under section 454(3)) and with appropriate courts and law enforcement officials, to assist the agency or agencies administering the State plan with respect to (A) the enforcement and collection of rights to support or payment assigned under this section and (B) any other matters of common concern.

Cooperative arrangements with State agencies.

42 USC 654.

“(b) Such part of any amount collected by the State under an assignment made under the provisions of this section shall be retained by the State as is necessary to reimburse it for medical assistance payments made on behalf of an individual with respect to whom such assignment was executed (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing of such medical assistance), and the remainder of such amount collected shall be paid to such individual.”.

Retainages.

(c) The amendment made by subsection (a) shall apply with respect to medical assistance provided, under a State plan approved under title XIX of the Social Security Act, on and after January 1, 1978.

Effective date.
42 USC 1396b note.
42 USC 1396.

STUDY AND REVIEW OF MEDICARE CLAIMS PROCESSING

SEC. 12. The Comptroller General of the United States shall conduct a comprehensive study and review of the administrative structure established for the processing of claims under title XVIII of the Social Security Act, for the purpose of determining whether and to what extent more efficient claims administration under such title could be achieved—

42 USC 1395ll note.

42 USC 1395.

(1) by reducing the number of participating intermediaries and carriers;

(2) by making a single organization responsible for the processing of claims, under both part A and part B of such title, in a particular geographic area;

(3) by providing for the performance of claims processing functions on the basis of a prospective fixed price;

(4) by providing incentive payments for the most efficient organizations; or

(5) by other modifications in such structure and related procedures.

The Comptroller General shall submit to the Congress no later than July 1, 1979, a complete report setting forth the results of such study and review, together with his findings and his recommendations with respect thereto.

Report to Congress.

ABOLITION OF PROGRAM REVIEW TEAMS UNDER MEDICARE

SEC. 13. (a) Section 1862(d) of the Social Security Act is amended by striking out paragraph (4).

42 USC 1395y.

- 42 USC 1395y. (b) (1) Section 1862(d) (1) (B) of such Act is amended by striking out “, with the concurrence of the appropriate program review team appointed pursuant to paragraph (4),”.
- (2) Section 1862(d) (1) (C) of such Act is amended to read as follows:
- “ (C) has furnished services or supplies which are determined by the Secretary, on the basis of reports transmitted to him in accordance with section 1157 of this Act (or, in the absence of any such report, on the basis of such data as he acquires in the administration of the program under this title), to be substantially in excess of the needs of individuals or to be of a quality which fails to meet professionally recognized standards of health care.”.
- 42 USC 1320c-6. (3) Clause (F) of section 1866(b) (2) of such Act is amended to read as follows: “ (F) that such provider has furnished services or supplies which are determined by the Secretary to be substantially in excess of the needs of individuals or to be of a quality which fails to meet professionally recognized standards of health care.”.
- 42 USC 1320c-6. (4) Section 1157 of such Act is amended by striking out the last sentence.
- Effective date. (c) The amendments made by this section shall take effect on the date of the enactment of this Act.
- 42 USC 1320c-6 note.

AMENDMENTS RELATING TO FISCAL INTERMEDIARIES

- 42 USC 1395h. SEC. 14. (a) Section 1816 of the Social Security Act is amended—
- (1) by inserting “(and to providers assigned to such agency or organization under subsection (e))” in the first sentence of subsection (a) after “to such providers” the second and third times it appears;
- Agreements. (2) by amending subsection (b) to read as follows:
- “(b) The Secretary shall not enter into or renew an agreement with any agency or organization under this section unless—
- “(1) he finds—
- Infra.* “(A) after applying the standards, criteria, and procedures developed under subsection (f), that to do so is consistent with the effective and efficient administration of this part, and
- “(B) that such agency or organization is willing and able to assist the providers to which payments are made through it under this part in the application of safeguards against unnecessary utilization of services furnished by them to individuals entitled to hospital insurance benefits under section 226, and the agreement provides for such assistance; and
- 42 USC 426. “(2) such agency or organization agrees—
- Information, “(A) to furnish to the Secretary such of the information availability. acquired by it in carrying out its agreement under this section, and
- “(B) to provide the Secretary with access to all such data, information, and claims processing operations, as the Secretary may find necessary in performing his functions under this part.”;
- Infra.* (3) by inserting “after applying the standards, criteria, and procedures developed under subsection (f) and” in subsection (e) (2) before “after reasonable notice”;
- (4) by redesignating subsections (e), (f), and (g) as subsections (g), (h), and (i), respectively; and

(5) by inserting after subsection (d) the following new subsections:

“(e) (1) Notwithstanding subsections (a) and (d), the Secretary, after taking into consideration any preferences of providers of services, may assign or reassign any provider of services to any agency or organization which has entered into an agreement with him under this section, if he determines, after applying the standards, criteria, and procedures developed under subsection (f), that such assignment or reassignment would result in the more effective and efficient administration of this part.

“(2) Notwithstanding subsections (a) and (d), the Secretary may designate a national or regional agency or organization which has entered into an agreement with him under this section to perform functions under the agreement with respect to a class of providers of services in the Nation or region (as the case may be), if he determines, after applying the standards, criteria, and procedures developed under subsection (f), that such designation would result in more effective and efficient administration of this part.

“(3) (A) Before the Secretary makes an assignment or reassignment under paragraph (1) of a provider of services to other than the agency or organization nominated by the provider, he shall furnish (i) the provider and such agency or organization with a full explanation of the reasons for his determination as to the efficiency and effectiveness of the agency or organization to perform the functions required under this part with respect to the provider, and (ii) such agency or organization with opportunity for a hearing, and such determination shall be subject to judicial review in accordance with chapter 7 of title 5, United States Code.

Hearing.

5 USC 701.

“(B) Before the Secretary makes a designation under paragraph (2) with respect to a class of providers of services, he shall furnish (i) such providers and the agencies and organizations adversely affected by such designation with a full explanation of the reasons for his determination as to the efficiency and effectiveness of such agencies and organizations to perform the functions required under this part with respect to such providers, and (ii) the agencies and organizations adversely affected by such designation with opportunity for a hearing, and such determination shall be subject to judicial review in accordance with chapter 7 of title 5, United States Code.

Hearing.

“(f) In order to determine whether the Secretary should enter into, renew, or terminate an agreement under this section with an agency or organization, whether the Secretary should assign or reassign a provider of services to an agency or organization, and whether the Secretary should designate an agency or organization to perform services with respect to a class of providers of services, the Secretary shall develop standards, criteria, and procedures to evaluate such agency's or organization's (1) overall performance of claims processing and other related functions required to be performed by such an agency or organization under an agreement entered into under this section, and (2) performance of such functions with respect to specific providers of services, and the Secretary shall establish, by regulation, standards and criteria with respect to the efficient and effective administration of this part. No agency or organization shall be found under such standards and criteria not to be efficient or effective or to be less efficient or effective solely on the ground that the agency or organization serves only providers located in a single State.”.

Standards,
development.

42 USC 1395h
note.

(b) The Secretary of Health, Education, and Welfare shall develop the standards, criteria, and procedures described in subsection (f) of section 1816 of the Social Security Act (as added by subsection (a) (5)) not later than October 1, 1978.

Effective dates.
42 USC 1395h
note.

(c) The amendment made by paragraphs (2) and (3) of subsection (a) to the extent that they require application of standards, criteria, and procedures developed under section 1816(f) of the Social Security Act shall apply to the entering into, renewal, or termination of agreements on and after October 1, 1978.

(d) Except as provided in subsection (c), the amendment made by subsection (a) (2) shall apply to agreements entered into or renewed on or after the date of enactment of this Act.

DISCLOSURE BY PROVIDERS OF THE HIRING OF CERTAIN FORMER EMPLOYEES OF FISCAL INTERMEDIARIES

Agreements.
42 USC 1395cc.

SEC. 15. (a) Section 1866(a)(1) of the Social Security Act is amended—

Notification to
Secretary.

(1) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof “, and”; and

(2) by inserting after subparagraph (C) the following new subparagraph:

“(D) to promptly notify the Secretary of its employment of an individual who, at any time during the year preceding such employment, was employed in a managerial, accounting, auditing, or similar capacity (as determined by the Secretary by regulation) by an agency or organization which serves as a fiscal intermediary or carrier (for purposes of part A or part B, or both, of this title) with respect to the provider.”.

Effective date.
42 USC 1395cc
note.

(b) The amendments made by subsection (a) shall apply with respect to agreements entered into or renewed on and after the date of enactment of this Act.

PAYMENT FOR DURABLE MEDICAL EQUIPMENT

42 USC 1395l.

SEC. 16. (a) Section 1833(f) of the Social Security Act is amended to read as follows:

“(f) (1) In the case of durable medical equipment to be furnished an individual as described in section 1861(s)(6), the Secretary shall determine, on the basis of such medical and other evidence as he finds appropriate (including certification by the attending physician with respect to expected duration of need), whether the expected duration of the medical need for the equipment warrants a presumption that purchase of the equipment would be less costly or more practical than rental. If the Secretary determines that such a presumption does exist, he shall require that the equipment be purchased, on a lease-purchase basis or otherwise, and shall make payment in accordance with the lease-purchase agreement (or in a lump sum amount if the equipment is purchased other than on a lease-purchase basis); except that the Secretary may authorize the rental of the equipment notwithstanding such determination if he determines that the purchase of the equipment would be inconsistent with the purposes of this title or would create an undue financial hardship on the individual who will use it.

Used equipment,
coinsurance
waiver.

“(2) With respect to purchases of used durable medical equipment, the Secretary may waive the 20 percent coinsurance amount applicable under subsection (a) whenever the purchase price of the used equipment is at least 25 percent less than the reasonable charge for comparable new equipment.

“(3) For purposes of paragraph (1), the Secretary may, pursuant to agreements made with suppliers of durable medical equipment, establish reimbursement procedures which he finds to be equitable, economical, and feasible.

Reimbursement
procedures.

“(4) The Secretary shall encourage suppliers of durable medical equipment to make their equipment available to individuals entitled to benefits under this title on a lease-purchase basis whenever possible.”.

(b) The amendment made by subsection (a) shall apply with respect to durable medical equipment purchased or rented on or after October 1, 1977.

Effective date.
42 USC 1395f
note.

FUNDING OF STATE MEDICAID FRAUD CONTROL UNITS

SEC. 17. (a) Section 1903(a) of the Social Security Act is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

42 USC 1396b.

“(6) subject to subsection (b)(3), an amount equal to 90 per centum of the sums expended during each quarter beginning on or after October 1, 1977, and ending before October 1, 1980, with respect to costs incurred during such quarter (as found necessary by the Secretary for the elimination of fraud in the provision and administration of medical assistance provided under the State plan) which are attributable to the establishment and operation of (including the training of personnel employed by) a State medicaid fraud control unit (described in subsection (q)); plus”.

(b) Section 1903(b) of such Act is amended by inserting after paragraph (2) the following new paragraph:

“(3) The amount of funds which the Secretary is otherwise obligated to pay a State during a quarter under subsection (a)(6) may not exceed the higher of—

“(A) \$125,000, or

“(B) one-quarter of 1 per centum of the sums expended by the Federal, State, and local governments during the previous quarter in carrying out the State’s plan under this title.”.

(c) Section 1903 of such Act is further amended by inserting after subsection (p) (added by section 11(a) of this Act) the following new subsection:

“State medicaid
fraud control
unit.”

“(q) For the purposes of this section, the term ‘State medicaid fraud control unit’ means a single identifiable entity of the State government which the Secretary certifies (and annually recertifies) as meeting the following requirements:

“(1) The entity (A) is a unit of the office of the State Attorney General or of another department of State government which possesses statewide authority to prosecute individuals for criminal violations, (B) is in a State the constitution of which does not provide for the criminal prosecution of individuals by a statewide authority and has formal procedures, approved by the Secretary, that (i) assure its referral of suspected criminal violations relating to the program under this title to the appropriate authority or authorities in the State for prosecution and (ii) assure its assistance of, and coordination with, such authority or authorities in such prosecutions, or (C) has a formal working relationship with the office of the State Attorney General and has formal procedures (including procedures for its referral of suspected criminal violations to such office) which are approved by the Secretary

and which provide effective coordination of activities between the entity and such office with respect to the detection, investigation, and prosecution of suspected criminal violations relating to the program under this title.

“(2) The entity is separate and distinct from the single State agency that administers or supervises the administration of the State plan under this title.

“(3) The entity’s function is conducting a statewide program for the investigation and prosecution of violations of all applicable State laws regarding any and all aspects of fraud in connection with any aspect of the provision of medical assistance and the activities of providers of such assistance under the State plan under this title.

“(4) The entity has procedures for reviewing complaints of the abuse and neglect of patients of health care facilities which receive payments under the State plan under this title, and, where appropriate, for acting upon such complaints under the criminal laws of the State or for referring them to other State agencies for action.

“(5) The entity provides for the collection, or referral for collection to a single State agency, of overpayments that are made under the State plan to health care facilities and that are discovered by the entity in carrying out its activities.

“(6) The entity employs such auditors, attorneys, investigators, and other necessary personnel and is organized in such a manner as is necessary to promote the effective and efficient conduct of the entity’s activities.

“(7) The entity submits to the Secretary an application and annual reports containing such information as the Secretary determines, by regulation, to be necessary to determine whether the entity meets the other requirements of this subsection.”.

(d) Section 402(a)(1) of the Social Security Amendments of 1967 (Public Law 90-248), as amended by section 222 of the Social Security Amendments of 1972 (Public Law 92-603), is amended—

(1) by striking out “and” at the end of subparagraph (H);

(2) by striking out the period at the end of subparagraph (I) and inserting in lieu thereof “; and”; and

(3) by adding after subparagraph (I) the following new subparagraph:

“(J) to develop or demonstrate improved methods for the investigation and prosecution of fraud in the provision of care or services under the health programs established by the Social Security Act.”.

(e)(1) The amendment made by subsection (a) shall apply with respect to calendar quarters beginning after September 30, 1977.

(2) The Secretary of Health, Education, and Welfare shall establish such regulations, not later than ninety days after the date of enactment of this Act, as are necessary to carry out the amendments made by this section.

REPORT ON HOME HEALTH AND OTHER IN-HOME SERVICES

SEC. 18. (a) Not later than one year after the date of enactment of this Act, the Secretary of Health, Education, and Welfare shall submit to the appropriate committees of the Congress a report analyzing,

Application and
annual reports,
submittal to
Secretary.

42 USC
1395b-1.

42 USC 1305.
Effective date.
42 USC 1396b
note.
Regulations.

Report to
congressional
committees.
42 USC 1395//
note.

evaluating, and making recommendations with respect to, all aspects (including the availability, administration, provision, reimbursement procedures, and cost) of the delivery of home health and other in-home services authorized to be provided under titles XVIII, XIX, and XX of the Social Security Act.

(b) Such report shall include an evaluation of the coordination of such services provided under the different titles, and shall also include recommendations for changes in regulations and legislation with respect to—

42 USC 1395,
1396, 1397.
Evaluation.
Legislative
recommendations.

(1) the scope and definition of such services provided under such titles;

(2) the requirements for an individual to be eligible to receive such services under such titles;

(3) the standards for certification of providers of such services under such titles and (as appropriate) the uniformity of such standards for the programs under the different titles;

(4) procedures for control of utilization and assurance of quality of such services under such titles, including (as appropriate) the licensing and accreditation of agencies providing such services, a certificate of need program with respect to the offering of such services, and the development and use of norms and standards for review of the utilization and quality of such services;

(5) methods of reimbursement for such services, including (A) methods of comparing costs incurred by different providers of such services in order to determine the reasonableness of such costs and (B) methods which provide for more uniform reimbursement procedures under titles XVIII and XIX of the Social Security Act; and

(6) the prevention of fraud and abuse in the delivery of such services under such titles,

the reasons for such recommendations, an analysis of the impact of implementing such recommendations on the cost of such services and the demand for such services, and the methods of financing any recommended increased provision of such services under such titles.

(c) In developing the report the Secretary shall consult with professional organizations, experts, and individual health professionals in the field of home health and other in-home services and with providers, private insurers, and consumers of such services.

Consultation.

ESTABLISHMENT OF UNIFORM REPORTING SYSTEMS FOR DIFFERENT TYPES OF HEALTH SERVICES FACILITIES AND ORGANIZATIONS; MAKING OF REPORTS UNDER MEDICARE AND MEDICAID PROGRAMS IN ACCORDANCE WITH SUCH SYSTEMS

SEC. 19. (a) Part A of title XI of this Social Security Act is amended by inserting after section 1120 the following new section:

“UNIFORM REPORTING SYSTEMS FOR HEALTH SERVICES FACILITIES AND ORGANIZATIONS

“SEC. 1121. (a) For the purposes of reporting the cost of services provided by, of planning, and of measuring and comparing the efficiency of and effective use of services in, hospitals, skilled nursing facilities, intermediate care facilities, home health agencies, health maintenance organizations, and other types of health services facili-

Establishment,
regulations.
42 USC 1320a.

ties and organizations to which payment may be made under this Act, the Secretary shall establish by regulation, for each such type of health services facility or organization, a uniform system for the reporting by a facility or organization of that type of the following information:

“(1) The aggregate cost of operation and the aggregate volume of services.

“(2) The costs and volume of services for various functional accounts and subaccounts.

“(3) Rates, by category of patient and class of purchaser.

“(4) Capital assets, as defined by the Secretary, including (as appropriate) capital funds, debt service, lease agreements used in lieu of capital funds, and the value of land, facilities, and equipment.

“(5) Discharge and bill data.

The uniform reporting system for a type of health services facility or organization shall provide for appropriate variation in the application of the system to different classes of facilities or organizations within that type and shall be established, to the extent practicable, consistent with the cooperative system for producing comparable and uniform health information and statistics described in section 306(e) (1) of the Public Health Service Act. In reporting under such a system, hospitals shall employ such chart of accounts, definitions, principles, and statistics as the Secretary may prescribe in order to reach a uniform reconciliation of financial and statistical data for specified uniform reports to be provided to the Secretary.

42 USC 242k.

Duties.

“(b) The Secretary shall—

“(1) monitor the operation of the systems established under subsection (a);

“(2) assist with and support demonstrations and evaluations of the effectiveness and cost of the operation of such systems and encourage State adoption of such systems; and

“(3) periodically revise such systems to improve their effectiveness and diminish their cost.

Information,
availability.

“(c) The Secretary shall provide information obtained through use of the uniform reporting systems described in subsection (a) in a useful manner and format to appropriate agencies and organizations, including health systems agencies (designated under section 1515 of the Public Health Service Act) and State health planning and development agencies (designated under section 1521 of such Act), as may be necessary to carry out such agencies' and organizations' functions.”.

42 USC 300l-4.

42 USC 300m.

42 USC 1395x.

Reports.

(b) (1) Section 1861(v) (1) of the Social Security Act is amended by adding after subparagraph (E) the following new subparagraph:

“(F) Such regulations shall require each provider of services (other than a fund) to make reports to the Secretary of information described in section 1121(a) in accordance with the uniform reporting system (established under such section) for that type of provider.”.

Ante, p. 1193.

(2) Section 1902(a) of such Act (as amended by sections 2(b), 3(c), and 7(b) of this Act) is amended—

(A) by striking out “and” at the end of paragraph (38);

(B) by striking out the period at the end of paragraph (39) and inserting in lieu thereof “; and”; and

(C) by inserting after paragraph (39) the following new paragraph:

“(40) require each health services facility or organization which receives payments under the plan and of a type for which a uniform reporting system has been established under section 1121 (a) to make reports to the Secretary of information described in such section in accordance with the uniform reporting system (established under such section) for that type of facility or organization.”

Reports.

(c)(1) The Secretary of Health, Education, and Welfare shall establish the systems described in section 1121 (a) of the Social Security Act (added by subsection (a) of this section) only after consultation with interested parties and—

Consultation.
42 USC 1320a
note.

(A) for hospitals, skilled nursing facilities, and intermediate care facilities, not later than the end of the one-year period, and

(B) for other types of health services facilities and organizations, not later than the end of the two-year period, beginning on the date of enactment of this Act.

(2)(A) The amendments made by subsection (b) shall apply with respect to operations of a hospital, skilled nursing facility, or intermediate care facility, on and after the first day of its first fiscal year which begins after the end of the six-month period beginning on the date a uniform reporting system is established (under section 1121 (a) of the Social Security Act) for that type of health services facility.

Effective dates.
42 USC 1396a
note.

(B) The amendments made by subsection (b) shall apply, with respect to the operation of a health services facility or organization which is neither a hospital, a skilled nursing facility, nor an intermediate care facility, on and after the first day of its first fiscal year which begins after such date as the Secretary of Health, Education, and Welfare determines to be appropriate for the implementation of the reporting requirement for that type of facility or organization.

(C) Except as provided in subparagraphs (A) and (B), the amendments made by subsection (b) (2) shall apply, with respect to State plans approved under title XIX of the Social Security Act, on and after October 1, 1977.

42 USC 1396.

DELAY IN, AND WAIVER OF, IMPOSITION OF REDUCTION OF FEDERAL MEDICAL ASSISTANCE PERCENTAGE DUE TO A STATE'S FAILURE TO HAVE AN EFFECTIVE MEDICAID UTILIZATION CONTROL PROGRAM

SEC. 20. (a) Section 1903 (g) of the Social Security Act is amended—

42 USC 1396b.

(1) by striking out “With respect to” in the first sentence of paragraph (1) and inserting in lieu thereof “Subject to paragraph (3), with respect to”;

(2) by striking out “by 33½ per centum thereof” in paragraph (1) and inserting in lieu thereof “by a per centum thereof (determined under paragraph (5))”;

(3) by inserting “timely” in paragraph (2) before “sample onsite surveys”; and

(4) by adding after paragraph (2) the following new paragraphs:

“(3)(A) No reduction in the Federal medical assistance percentage of a State otherwise required to be imposed under this subsection shall take effect—

Notice to States.

“(i) if such reduction is due to the State’s unsatisfactory or invalid showing made with respect to a calendar quarter beginning before January 1, 1977;

“(ii) before January 1, 1978;

“(iii) unless a notice of such reduction has been provided to the State at least 30 days before the date such reduction takes effect; or

“(iv) due to the State’s unsatisfactory or invalid showing made with respect to a calendar quarter beginning after September 30, 1977, unless notice of such reduction has been provided to the State no later than the first day of the fourth calendar quarter following the calendar quarter with respect to which such showing was made.

Waiver.

“(B) The Secretary shall waive application of any reduction in the Federal medical assistance percentage of a State otherwise required to be imposed under paragraph (1) because a showing by the State, made under such paragraph with respect to a calendar quarter ending after January 1, 1977, and before October 1, 1977, is determined to be either unsatisfactory under such paragraph or invalid under paragraph (2), if the Secretary determines that the State’s showing made under paragraph (1) with respect to the calendar quarter ending on December 31, 1977, is satisfactory under such paragraph and is valid under paragraph (2).

“(4) (A) The Secretary may not find the showing of a State, with respect to a calendar quarter under paragraph (1), to be satisfactory if the showing is submitted to the Secretary later than the 30th day after the last day of the calendar quarter, unless the State demonstrates to the satisfaction of the Secretary good cause for not meeting such deadline.

“(B) The Secretary shall find a showing of a State, with respect to a calendar quarter under paragraph (1), to be satisfactory under such paragraph with respect to the requirement that the State conduct annual onsite inspections in mental hospitals, skilled nursing facilities, and intermediate care facilities under paragraph (26) and (31) of section 1902(a), if the showing demonstrates that the State has conducted such an onsite inspection during the 12-month period ending on the last date of the calendar quarter—

42 USC 1396a.

“(i) in each of not less than 98 per centum of the number of such hospitals and facilities requiring such inspection, and

“(ii) in every such hospital or facility which has 200 or more beds,

and that, with respect to such hospitals and facilities not inspected within such period, the State has exercised good faith and due diligence in attempting to conduct such inspection, or if the State demonstrates to the satisfaction of the Secretary that it would have made such a showing but for failings of a technical nature only.

“(5) In the case of a State’s unsatisfactory or invalid showing made with respect to a type of facility or institutional services in a calendar quarter, the per centum amount of the reduction of the State’s Federal medical assistance percentage for that type of services under paragraph (1) is equal to $33\frac{1}{3}$ per centum multiplied by a fraction, the denominator of which is equal to the total number of patients receiving that type of services in that quarter under the State plan in facilities or institutions for which a showing was required to be made under this subsection, and the numerator of which is equal to the number of

such patients receiving such type of services in that quarter in those facilities or institutions for which a satisfactory and valid showing was not made for that calendar quarter.

“(6) The Secretary shall submit to Congress, not later than sixty days after the end of such calendar quarter, a report on—

Report to Congress.

“(A) his determination as to whether or not each showing, made under paragraph (1) by a State with respect to the calendar quarter, has been found to be satisfactory under such paragraph;

“(B) his review (through onsite surveys and otherwise) under paragraph (2) of the validity of showings previously submitted by a State; and

“(C) any reduction in the Federal medical assistance percentage he has imposed on a State because of its submittal under paragraph (1) of an unsatisfactory or invalid showing.”.

(b) Section 1902(a) (26) of the Social Security Act is amended by inserting after “social service personnel” the following: “, or, in the case of skilled nursing facilities, composed of physicians or registered nurses and other appropriate health and social service personnel”.

42 USC 1396a.

(c) (1) Except as provided in paragraph (2), the amendments made by this section shall be effective on October 1, 1977, and the Secretary of Health, Education, and Welfare shall promptly adjust payments made to States under section 1903 of the Social Security Act to reflect the changes made by such amendments.

Effective date.
42 USC 1396b
note.
Payments,
adjustment.
42 USC 1396b.

(2) The amount of any reduction in the Federal medical assistance percentage of a State, otherwise required to be imposed under section 1903(g) (1) of the Social Security Act because of an unsatisfactory or invalid showing made by the State with respect to a calendar quarter beginning on or after January 1, 1977, shall be determined under such section as amended by this section. Subparagraph (B) of paragraph (4) of section 1905(g) of such Act, as added by this section, shall apply to any showing made by a State under such section with respect to a calendar quarter beginning on or after January 1, 1977.

PROTECTION OF PATIENT FUNDS

SEC. 21. (a) Section 1861(j) of the Social Security Act is amended by striking out “and” at the end of paragraph (13) and inserting immediately after such paragraph (13) the following new paragraph:

Accounting
system,
establishment.
42 USC 1395x.

“(14) establishes and maintains a system that (A) assures a full and complete accounting of its patients’ personal funds, and (B) includes the use of such separate account for such funds as will preclude any commingling of such funds with facility funds or with the funds of any person other than another such patient; and”.

(b) The Secretary of Health, Education, and Welfare shall, by regulation, define those costs which may be charged to the personal funds of patients in skilled nursing facilities who are individuals receiving benefits under the provisions of title XVIII, or under a State plan approved under the provisions of title XIX, of the Social Security Act, and those costs which are to be included in the reasonable cost or reasonable charge for extended care services as determined under the provisions of title XVIII, or for skilled nursing and intermediate care facility services as determined under the provisions of title XIX, of such Act.

Costs, definition.
42 USC 1395x
note.

42 USC 1395,
1396.

- Effective date. (c)(1) The amendments made by subsection (a) shall be effective on the first day of the first calendar quarter which begins more than six months after the date of enactment of this Act.
- Regulations. (2) The Secretary of Health, Education, and Welfare shall issue the regulations required under subsection (b) within ninety days after the date of enactment of this Act.

PAYMENT FOR INSTITUTIONAL CARE BEYOND DATE DETERMINED
MEDICALLY NECESSARY

Ante, p. 1185.

SEC. 22. (a) Section 1158 of the Social Security Act is amended—

(1) by inserting “and subsection (d)” in subsection (a) after “section 1159”; and

(2) by adding after subsection (c) (as added by section 5(d)

(1) of this Act) the following new subsection:

“(d) In any case in which a Professional Standards Review Organization disapproves (under subsection (a)) of inpatient hospital services or posthospital extended care services, payment may be made for such services furnished before the second day after the day on which the provider received notice of such disapproval, or, if such organization determines that more time is required in order to arrange postdischarge care, payment may be made for such services furnished before the fourth day after the day on which the provider received notice of such disapproval.”.

Effective date.
42 USC 1320c-7
note.

(b) The amendments made by subsection (a) shall be effective on the date of enactment of this Act.

PAYMENT UNDER THE MEDICARE PROGRAM FOR CERTAIN HOSPITAL SERVICES PROVIDED IN VETERANS' ADMINISTRATION HOSPITALS

42 USC 1395f.

SEC. 23. (a) Section 1814(c) of the Social Security Act is amended by inserting “or subsection (j)” after “subsection (d)”.

(b) Section 1814 of such Act is further amended by adding at the end thereof the following new subsection:

“Payment for Certain Hospital Services Provided in
Veterans' Administration Hospitals

42 USC 1395t.
42 USC 426.

“(j)(1) Payments shall also be made to any hospital operated by the Veterans' Administration for inpatient hospital services furnished in a calendar year by the hospital, or under arrangements (as defined in section 1861(w)) with it, to an individual entitled to hospital benefits under section 226 even though the hospital is a Federal provider of services if (A) the individual was not entitled to have the services furnished to him free of charge by the hospital, (B) the individual was admitted to the hospital in the reasonable belief on the part of the admitting authorities that the individual was a person who was entitled to have the services furnished to him free of charge, (C) the authorities of the hospital, in admitting the individual, and the individual, acted in good faith, and (D) the services were furnished during a period ending with the close of the day on which the authorities operating the hospital first became aware of the fact that the individual was not entitled to have the services furnished to him by the hospital free of charge, or (if later) ending with the first day on which it was medically feasible to remove the individual from the hospital by discharging him therefrom or transferring him to a hospital which has in effect an agreement under this title.

“(2) Payment for services described in paragraph (1) shall be in an amount equal to the charge imposed by the Veterans’ Administration for such services, or (if less) the reasonable costs for such services (as estimated by the Secretary). Any such payment shall be made to the entity to which payment for the services involved would have been payable, if payment for such services had been made by the individual receiving the services involved (or by another private person acting on behalf of such individual).”.

(c) The amendments made by this section shall apply to inpatient hospital services furnished on and after July 1, 1974.

Effective date.
42 USC 1395f
note.

Approved October 25, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-393, Pt. I (Comm. on Ways and Means), and Pt. II (Comm. on Interstate and Foreign Commerce) and No. 95-673 (Comm. of Conference).

SENATE REPORT No. 95-453 accompanying S. 143 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Sept. 22, 23, considered and passed House.

Sept. 30, considered and passed Senate, amended, in lieu of S. 143.

Oct. 13, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 44:

Oct. 25, Presidential statement.

Public Law 95-143
95th Congress

An Act

Oct. 26, 1977

[H.R. 6415]

To extend and amend the Export-Import Bank Act of 1945.

Export-Import
Bank Act of
1945,
amendment.
Export financing,
international
agreements.
12 USC 635.
Human rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 is amended by inserting before the period at the end of the third sentence the following: "and shall, in cooperation with other appropriate United States Government agencies, seek to reach international agreements to reduce government subsidized export financing".

SEC. 2. The last sentence of section 2(b)(1)(B) of the Export-Import Bank Act of 1945 is amended by inserting before the period at the end thereof the following: ", and shall also take into account, in consultation with the Secretary of State, the observance of and respect for human rights in the country to receive the exports supported by a loan or financial guarantee and the effect such exports may have on human rights in such country".

SEC. 3. (a) The first sentence of section 2(b)(3) of the Export-Import Bank Act of 1945 is amended—

(1) by inserting "(i)" immediately after "No loan or financial guarantee or combination thereof";

(2) by striking out "shall be finally approved by the Board of Directors of the Bank, and no loan or financial guarantee or combination thereof" and inserting in lieu thereof ", (ii) in an amount"; and

(3) by inserting immediately after "Union of Soviet Socialist Republics" the following: ", or (iii) for the export of technology, fuel, equipment, materials, or goods or services to be used in the construction, alteration, operation, or maintenance of nuclear power, enrichment, reprocessing, research, or heavy water production facilities,".

(b) Section 2(b) of the Export-Import Bank Act of 1945 is amended by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively, and by inserting immediately after paragraph (3) the following new paragraph:

"(4) The Secretary of State shall report to the appropriate committees of Congress and to the Board of Directors of the Export-Import Bank if he determines that any country that has agreed to International Atomic Energy Agency nuclear safeguards materially violates, abrogates, or terminates, after the date of enactment of this paragraph, such safeguards or that any country that has entered into an agreement for cooperation concerning the civil use of nuclear energy with the United States materially violates, abrogates, or terminates, after the date of enactment of this paragraph, any guarantee or other undertaking to the United States made in such agreement or that any country that is not a nuclear-weapons state (as defined in article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons) detonates, after the date of enactment of this paragraph, a nuclear explosive device. The Secretary shall specify which country or countries he has determined to have so acted, and the Board shall not give approval to guarantee, insure, or extend credit, or participate

Nuclear
safeguards,
violations.
Report to
congressional
committees
and Board
of Directors.

Exports,
credit support.
limitation.
Presidential
determination,
report to
Congress.

in the extension of credit in support of United States exports to such country unless the President determines that it is in the national interest for the Bank to guarantee, insure, or extend credit, or participate in the extension of credit in support of United States exports to such country and such determination has been reported to the Congress not less than twenty-five days of continuous session of the Congress prior to the date of such approval. For the purpose of the preceding sentence, continuity of a session of the Congress shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the twenty-five day period referred to in such sentence."

(c) The first sentence of section 2(b)(5) of the Export-Import Bank Act of 1945, as redesignated by subsection (b), is amended—

Ante. p. 1210.

(1) by striking out "or" immediately after "the United States,"; and

(2) by inserting before the period at the end thereof the following: ". or (C) the purchase of any liquid metal fast breeder nuclear reactor or any nuclear fuel reprocessing facility".

SEC. 4. Section 8 of the Export-Import Bank Act of 1945 is amended by striking out "June 30" and inserting in lieu thereof "September 30".

Extension.
12 USC 635f.

Approved October 26, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-235 (Comm. on Banking, Finance and Urban Affairs) and No. 95-627 (Comm. of Conference).

SENATE REPORT No. 95-279 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 3, considered and passed House.

June 29, considered and passed Senate, amended.

Sept. 23, Senate agreed to conference report.

Oct. 14, House agreed to conference report.

Public Law 95-144
95th Congress

An Act

Oct. 28, 1977
[S. 1682]

To provide for the implementation of treaties for the transfer of offenders to or from foreign countries.

Treaties for the
transfer of
offenders to or
from foreign
countries.
Implementation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, is amended by inserting after chapter 305 the following new chapter:

“Chapter 306.—TRANSFER TO OR FROM FOREIGN COUNTRIES

“Sec.

“4100. Scope and limitation of chapter.

“4101. Definitions.

“4102. Authority of the Attorney General.

“4103. Applicability of United States laws.

“4104. Transfer of offenders on probation.

“4105. Transfer of offenders serving sentence of imprisonment.

“4106. Transfer of offenders on parole; parole of offenders transferred.

“4107. Verification of consent of offender to transfer from the United States.

“4108. Verification of consent of offender to transfer to the United States.

“4109. Right to counsel, appointment of counsel.

“4110. Transfer of juveniles.

“4111. Prosecution barred by foreign conviction.

“4112. Loss of rights, disqualification.

“4113. Status of alien offender transferred to a foreign country.

“4114. Return of transferred offenders.

“4115. Execution of sentences imposing an obligation to make restitution or reparations.

18 USC 4100.

“§ 4100. Scope and limitation of chapter

“(a) The provisions of this chapter relating to the transfer of offenders shall be applicable only when a treaty providing for such a transfer is in force, and shall only be applicable to transfers of offenders to and from a foreign country pursuant to such a treaty. A sentence imposed by a foreign country upon an offender who is subsequently transferred to the United States pursuant to a treaty shall be subject to being fully executed in the United States even though the treaty under which the offender was transferred is no longer in force.

“(b) An offender may be transferred from the United States pursuant to this chapter only to a country of which the offender is a citizen or national. Only an offender who is a citizen or national of the United States may be transferred to the United States. An offender may be transferred to or from the United States only with the offender's consent, and only if the offense for which the offender was sentenced satisfies the requirement of double criminality as defined in this chapter. Once an offender's consent to transfer has been verified by a verifying officer, that consent shall be irrevocable. If at the time of transfer the offender is under eighteen years of age the transfer shall not be accomplished unless consent to the transfer be given by a parent or guardian or by an appropriate court of the sentencing country.

“(c) An offender shall not be transferred to or from the United States if a proceeding by way of appeal or of collateral attack upon the conviction or sentence be pending.

Offender
transfer, consent.

"(d) The United States upon receiving notice from the country which imposed the sentence that the offender has been granted a pardon, commutation, or amnesty, or that there has been an ameliorating modification or a revocation of the sentence shall give the offender the benefit of the action taken by the sentencing country.

Pardons,
commutations,
and amnesty.

"§ 4101. Definitions

18 USC 4101.

"As used in this chapter the term—

"(a) 'double criminality' means that at the time of transfer of an offender the offense for which he has been sentenced is still an offense in the transferring country and is also an offense in the receiving country. With regard to a country which has a federal form of government, an act shall be deemed to be an offense in that country if it is an offense under the federal laws or the laws of any state or province thereof;

"(b) 'imprisonment' means a penalty imposed by a court under which the individual is confined to an institution;

"(c) 'juvenile' means—

"(1) a person who is under eighteen years of age; or

"(2) for the purpose of proceedings and disposition under chapter 403 of this title because of an act of juvenile delinquency, a person who is under twenty-one years of age;

"(d) 'juvenile delinquency' means—

"(1) a violation of the laws of the United States or a State thereof or of a foreign country committed by a juvenile which would have been a crime if committed by an adult; or

"(2) noncriminal acts committed by a juvenile for which supervision or treatment by juvenile authorities of the United States, a State thereof, or of the foreign country concerned is authorized;

"(e) 'offender' means a person who has been convicted of an offense or who has been adjudged to have committed an act of juvenile delinquency;

"(f) 'parole' means any form of release of an offender from imprisonment to the community by a releasing authority prior to the expiration of his sentence, subject to conditions imposed by the releasing authority and to its supervision;

"(g) 'probation' means any form of a sentence to a penalty of imprisonment the execution of which is suspended and the offender is permitted to remain at liberty under supervision and subject to conditions for the breach of which the suspended penalty of imprisonment may be ordered executed;

"(h) 'sentence' means not only the penalty imposed but also the judgment of conviction in a criminal case or a judgment of acquittal in the same proceeding, or the adjudication of delinquency in a juvenile delinquency proceeding or dismissal of allegations of delinquency in the same proceedings;

"(i) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;

"(j) 'transfer' means a transfer of an individual for the purpose of the execution in one country of a sentence imposed by the courts of another country; and

"(k) 'treaty' means a treaty under which an offender sentenced in the courts of one country may be transferred to the country of which he is a citizen or national for the purpose of serving the sentence.

18 USC 4102. **“§ 4102. Authority of the Attorney General**

“The Attorney General is authorized—

“(1) to act on behalf of the United States as the authority referred to in a treaty;

“(2) to receive custody of offenders under a sentence of imprisonment, on parole, or on probation who are citizens or nationals of the United States transferred from foreign countries and as appropriate confine them in penal or correctional institutions, or assign them to the parole or probation authorities for supervision;

“(3) to transfer offenders under a sentence of imprisonment, on parole, or on probation to the foreign countries of which they are citizens or nationals;

Regulations.

“(4) to make regulations for the proper implementation of such treaties in accordance with this chapter and to make regulations to implement this chapter;

“(5) to render to foreign countries and to receive from them the certifications and reports required to be made under such treaties;

“(6) to make arrangements by agreement with the States for the transfer of offenders in their custody who are citizens or nationals of foreign countries to the foreign countries of which they are citizens or nationals and for the confinement, where appropriate, in State institutions of offenders transferred to the United States;

Transportation of offenders through U.S. territory.

“(7) to make agreements and establish regulations for the transportation through the territory of the United States of offenders convicted in a foreign country who are being transported to a third country for the execution of their sentences, the expenses of which shall be paid by the country requesting the transportation;

Juveniles, transfer.

“(8) to make agreements with the appropriate authorities of a foreign country and to issue regulations for the transfer and treatment of juveniles who are transferred pursuant to treaty, the expenses of which shall be paid by the country of which the juvenile is a citizen or national;

Mentally ill offender, transfer and treatment.

“(9) in concert with the Secretary of Health, Education, and Welfare, to make arrangements with the appropriate authorities of a foreign country and to issue regulations for the transfer and treatment of individuals who are accused of an offense but who have been determined to be mentally ill; the expenses of which shall be paid by the country of which such person is a citizen or national;

Agents, designation.

“(10) to designate agents to receive, on behalf of the United States, the delivery by a foreign government of any citizen or national of the United States being transferred to the United States for the purpose of serving a sentence imposed by the courts of the foreign country, and to convey him to the place designated by the Attorney General. Such agent shall have all the powers of a marshal of the United States in the several districts through which it may be necessary for him to pass with the offender, so far as such power is requisite for the offender's transfer and safekeeping; within the territory of a foreign country such agent shall have such powers as the authorities of the foreign country may accord him;

Justice Department officers, authority delegation.

“(11) to delegate the authority conferred by this chapter to officers of the Department of Justice.

“§ 4103. Applicability of United States laws

18 USC 4103.

“All laws of the United States, as appropriate, pertaining to prisoners, probationers, parolees, and juvenile offenders shall be applicable to offenders transferred to the United States, unless a treaty or this chapter provides otherwise.

“§ 4104. Transfer of offenders on probation

18 USC 4104.

“(a) Prior to consenting to the transfer to the United States of an offender who is on probation, the Attorney General shall determine that the appropriate United States district court is willing to undertake the supervision of the offender.

“(b) Upon the receipt of an offender on probation from the authorities of a foreign country, the Attorney General shall cause the offender to be brought before the United States district court which is to exercise supervision over the offender.

“(c) The court shall place the offender under supervision of the probation officer of the court. The offender shall be supervised by a probation officer, under such conditions as are deemed appropriate by the court as though probation had been imposed by the United States district court.

Probation officer,
appointment.

“(d) The probation may be revoked in accordance with section 3653 of this title and rule 32(f) of the Federal Rules of Criminal Procedure. A violation of the conditions of probation shall constitute grounds for revocation. If probation is revoked the suspended sentence imposed by the sentencing court shall be executed.

Probation,
revocation.
18 USC app.

“(e) The provisions of sections 4105 and 4106 of this title shall be applicable following a revocation of probation.

“(f) Prior to consenting to the transfer from the United States of an offender who is on probation, the Attorney General shall obtain the assent of the court exercising jurisdiction over the probationer.

“§ 4105. Transfer of offenders serving sentence of imprisonment

18 USC 4105.

“(a) Except as provided elsewhere in this section, an offender serving a sentence of imprisonment in a foreign country transferred to the custody of the Attorney General shall remain in the custody of the Attorney General under the same conditions and for the same period of time as an offender who had been committed to the custody of the Attorney General by a court of the United States for the period of time imposed by the sentencing court.

“(b) The transferred offender shall be given credit toward service of the sentence for any days, prior to the date of commencement of the sentence, spent in custody in connection with the offense or acts for which the sentence was imposed.

Sentence service,
credits.

“(c)(1) The transferred offender shall be entitled to all credits for good time, for labor, or any other credit toward the service of the sentence which had been given by the transferring country for time served as of the time of the transfer. Subsequent to the transfer, the offender shall in addition be entitled to credits for good time, computed on the basis of the time remaining to be served at the time of the transfer and at the rate provided in section 4161 of this title for a sentence of the length of the total sentence imposed and certified by the foreign authorities. These credits shall be combined to provide a release date for the offender pursuant to section 4164 of this title.

“(2) If the country from which the offender is transferred does not give credit for good time, the basis of computing the deduction from the sentence shall be the sentence imposed by the sentencing court and certified to be served upon transfer, at the rate provided in section 4161 of this title.

“(3) A transferred offender may earn extra good time deductions, as authorized in section 4162 of this title, from the time of transfer.

“(4) All credits toward service of the sentence, other than the credit for time in custody before sentencing, may be forfeited as provided in section 4165 of this title and may be restored by the Attorney General as provided in section 4166 of this title.

“(5) Any sentence for an offense against the United States, imposed while the transferred offender is serving the sentence of imprisonment imposed in a foreign country, shall be aggregated with the foreign sentence, in the same manner as if the foreign sentence was one imposed by a United States district court for an offense against the United States.

18 USC 4106. **“§ 4106. Transfer of offenders on parole; parole of offenders transferred**

“(a) Upon the receipt of an offender who is on parole from the authorities of a foreign country, the Attorney General shall assign the offender to the United States Parole Commission for supervision.

“(b) The United States Parole Commission and the Chairman of the Commission shall have the same powers and duties with reference to an offender transferred to the United States to serve a sentence of imprisonment or who at the time of transfer is on parole as they have with reference to an offender convicted in a court of the United States except as otherwise provided in this chapter or in the pertinent treaty. Sections 4201 through 4204; 4205 (d), (e), and (h); 4206 through 4216; and 4218 of this title shall be applicable.

“(c) An offender transferred to the United States to serve a sentence of imprisonment may be released on parole at such time as the Parole Commission may determine.

18 USC 4107. **“§ 4107. Verification of consent of offender to transfer from the United States**

“(a) Prior to the transfer of an offender from the United States, the fact that the offender consents to such transfer and that such consent is voluntary and with full knowledge of the consequences thereof shall be verified by a United States magistrate or a judge as defined in section 451 of title 28, United States Code.

Conditions. “(b) The verifying officer shall inquire of the offender whether he understands and agrees that the transfer will be subject to the following conditions:

“(1) only the appropriate courts in the United States may modify or set aside the conviction or sentence, and any proceedings seeking such action may only be brought in such courts;

“(2) the sentence shall be carried out according to the laws of the country to which he is to be transferred and that those laws are subject to change;

“(3) if a court in the country to which he is transferred should determine upon a proceeding initiated by him or on his behalf that his transfer was not accomplished in accordance with the treaty or laws of that country, he may be returned to the United States for the purpose of completing the sentence if the United States requests his return; and

“(4) his consent to transfer, once verified by the verifying officer, is irrevocable.

Counsel rights. “(c) The verifying officer, before determining that an offender's consent is voluntary and given with full knowledge of the consequences, shall advise the offender of his right to consult with counsel as provided by this chapter. If the offender wishes to consult with counsel

before giving his consent, he shall be advised that the proceedings will be continued until he has had an opportunity to consult with counsel.

“(d) The verifying officer shall make the necessary inquiries to determine that the offender’s consent is voluntary and not the result of any promises, threats, or other improper inducements, and that the offender accepts the transfer subject to the conditions set forth in subsection (b). The consent and acceptance shall be on an appropriate form prescribed by the Attorney General.

“(e) The proceedings shall be taken down by a reporter or recorded by suitable sound recording equipment. The Attorney General shall maintain custody of the records.

Proceedings
record.
Custody.

“§ 4108. Verification of consent of offender to transfer to the United States

18 USC 4108.

“(a) Prior to the transfer of an offender to the United States, the fact that the offender consents to such transfer and that such consent is voluntary and with full knowledge of the consequences thereof shall be verified in the country in which the sentence was imposed by a United States magistrate, or by a citizen specifically designated by a judge of the United States as defined in section 451 of title 28, United States Code. The designation of a citizen who is an employee or officer of a department or agency of the United States shall be with the approval of the head of that department or agency.

“(b) The verifying officer shall inquire of the offender whether he understands and agrees that the transfer will be subject to the following conditions:

Conditions.

“(1) only the country in which he was convicted and sentenced can modify or set aside the conviction or sentence, and any proceedings seeking such action may only be brought in that country;

“(2) the sentence shall be carried out according to the laws of the United States and that those laws are subject to change;

“(3) if a United States court should determine upon a proceeding initiated by him or on his behalf that his transfer was not accomplished in accordance with the treaty or laws of the United States, he may be returned to the country which imposed the sentence for the purpose of completing the sentence if that country requests his return; and

“(4) his consent to transfer, once verified by the verifying officer, is irrevocable.

“(c) The verifying officer, before determining that an offender’s consent is voluntary and given with full knowledge of the consequences, shall advise the offender of his right to consult with counsel as provided by this chapter. If the offender wishes to consult with counsel before giving his consent, he shall be advised that the proceedings will be continued until he has had an opportunity to consult with counsel.

Counsel rights.

“(d) The verifying officer shall make the necessary inquiries to determine that the offender’s consent is voluntary and not the result of any promises, threats, or other improper inducements, and that the offender accepts the transfer subject to the conditions set forth in subsection (b). The consent and acceptance shall be on an appropriate form prescribed by the Attorney General.

“(e) The proceedings shall be taken down by a reporter or recorded by suitable sound recording equipment. The Attorney General shall maintain custody of the records.

Proceedings
record.
Custody.

18 USC 4109. **“§ 4109. Right to counsel, appointment of counsel**

“In proceedings to verify consent of an offender for transfer, the offender shall have the right to advice of counsel. If the offender is financially unable to obtain counsel—

“(1) counsel for proceedings conducted under section 4107 shall be appointed in accordance with the Criminal Justice Act (18 U.S.C. 3006A). Such appointment shall be considered an appointment in a misdemeanor case for purposes of compensation under the Act;

Regulations.

“(2) counsel for proceedings conducted under section 4108 shall be appointed by the verifying officer pursuant to such regulations as may be prescribed by the Director of the Administrative Office of the United States Courts. The Secretary of State shall make payments of fees and expenses of the appointed counsel, in amounts approved by the verifying officer, which shall not exceed the amounts authorized under the Criminal Justice Act (18 U.S.C. 3006(a)) for representation in a misdemeanor case. Payment in excess of the maximum amount authorized may be made for extended or complex representation whenever the verifying officer certifies that the amount of the excess payment is necessary to provide fair compensation, and the payment is approved by the chief judge of the United States court of appeals for the appropriate circuit. Counsel from other agencies in any branch of the Government may be appointed: *Provided*, That in such cases the Secretary of State shall pay counsel directly, or reimburse the employing agency for travel and transportation expenses. Notwithstanding section 3648 of the revised statutes as amended (31 U.S.C. 529), the Secretary may make advance payments of travel and transportation expenses to counsel appointed under this subsection.

Counsel fees,
payment.18 USC 4110. **“§ 4110. Transfer of juveniles**

“An offender transferred to the United States because of an act which would have been an act of juvenile delinquency had it been committed in the United States or any State thereof shall be subject to the provisions of chapter 403 of this title except as otherwise provided in the relevant treaty or in an agreement pursuant to such treaty between the Attorney General and the authority of the foreign country.

18 USC 5031.

18 USC 4111. **“§ 4111. Prosecution barred by foreign conviction**

“An offender transferred to the United States shall not be detained, prosecuted, tried, or sentenced by the United States, or any State thereof for any offense the prosecution of which would have been barred if the sentence upon which the transfer was based had been by a court of the jurisdiction seeking to prosecute the transferred offender, or if prosecution would have been barred by the laws of the jurisdiction seeking to prosecute the transferred offender if the sentence on which the transfer was based had been issued by a court of the United States or by a court of another State.

18 USC 4112. **“§ 4112. Loss of rights, disqualification**

“An offender transferred to the United States to serve a sentence imposed by a foreign court shall not incur any loss of civil, political, or civic rights nor incur any disqualification other than those which under the laws of the United States or of the State in which the issue arises would result from the fact of the conviction in the foreign country.

“§ 4113. Status of alien offender transferred to a foreign country 18 USC 4113.

“(a) An alien who is deportable from the United States but who has been granted voluntary departure pursuant to section 1252(b) or section 1254(e) of title 8, United States Code, and who is transferred to a foreign country pursuant to this chapter shall be deemed for all purposes to have voluntarily departed from this country.

“(b) An alien who is the subject of an order of deportation from the United States pursuant to section 1252 of title 8, United States Code, who is transferred to a foreign country pursuant to this chapter shall be deemed for all purposes to have been deported from this country.

“(c) An alien who is the subject of an order of exclusion and deportation from the United States pursuant to section 1226 of title 8, United States Code, who is transferred to a foreign country pursuant to this chapter shall be deemed for all purposes to have been excluded from admission and deported from the United States.

“§ 4114. Return of transferred offenders

18 USC 4114.

“(a) Upon a final decision by the courts of the United States that the transfer of the offender to the United States was not in accordance with the treaty or the laws of the United States and ordering the offender released from serving the sentence in the United States the offender may be returned to the country from which he was transferred to complete the sentence if the country in which the sentence was imposed requests his return. The Attorney General shall notify the appropriate authority of the country which imposed the sentence, within ten days, of a final decision of a court of the United States ordering the offender released. The notification shall specify the time within which the sentencing country must request the return of the offender which shall be no longer than thirty days.

“(b) Upon receiving a request from the sentencing country that the offender ordered released be returned for the completion of his sentence, the Attorney General may file a complaint for the return of the offender with any justice or judge of the United States or any authorized magistrate within whose jurisdiction the offender is found. The complaint shall be upon oath and supported by affidavits establishing that the offender was convicted and sentenced by the courts of the country to which his return is requested; the offender was transferred to the United States for the execution of his sentence; the offender was ordered released by a court of the United States before he had completed his sentence because the transfer of the offender was not in accordance with the treaty or the laws of the United States; and that the sentencing country has requested that he be returned for the completion of the sentence. There shall be attached to the complaint a copy of the sentence of the sentencing court and of the decision of the court which ordered the offender released.

Complaint, filing.

“A summons or a warrant shall be issued by the justice, judge or magistrate ordering the offender to appear or to be brought before the issuing authority. If the justice, judge, or magistrate finds that the person before him is the offender described in the complaint and that the facts alleged in the complaint are true, he shall issue a warrant for commitment of the offender to the custody of the Attorney General until surrender shall be made. The findings and a copy of all the testi-

Summons or
warrant,
issuance.

mony taken before him and of all documents introduced before him shall be transmitted to the Secretary of State, that a Return Warrant may issue upon the requisition of the proper authorities of the sentencing country, for the surrender of offender.

“(c) A complaint referred to in subsection (b) must be filed within sixty days from the date on which the decision ordering the release of the offender becomes final.

“(d) An offender returned under this section shall be subject to the jurisdiction of the country to which he is returned for all purposes.

“(e) The return of an offender shall be conditioned upon the offender being given credit toward service of the sentence for the time spent in the custody of or under the supervision of the United States.

“(f) Sections 3186, 3188 through 3191, and 3195 of this title shall be applicable to the return of an offender under this section. However, an offender returned under this section shall not be deemed to have been extradited for any purpose.

“(g) An offender whose return is sought pursuant to this section may be admitted to bail or be released on his own recognizance at any stage of the proceedings.

18 USC 4115.

“§ 4115. Execution of sentences imposing an obligation to make restitution or reparations

“If in a sentence issued in a penal proceeding of a transferring country an offender transferred to the United States has been ordered to pay a sum of money to the victim of the offense for damage caused by the offense, that penalty or award of damages may be enforced as though it were a civil judgment rendered by a United States district court. Proceedings to collect the moneys ordered to be paid may be instituted by the Attorney General in any United States district court. Moneys recovered pursuant to such proceedings shall be transmitted through diplomatic channels to the treaty authority of the transferring country for distribution to the victim.”

SEC. 2. That section 636 of title 28, United States Code, is amended by adding a subsection (f) as follows:

“(f) A United States magistrate may perform the verification function required by section 4107 of title 18, United States Code. A magistrate may be assigned by a judge of any United States district court to perform the verification required by section 4108 and the appointment of counsel authorized by section 4109 of title 18, United States Code, and may perform such functions beyond the territorial limits of the United States. A magistrate assigned such functions shall have no authority to perform any other function within the territory of a foreign country.”

SEC. 3. That chapter 153 of title 28, United States Code, is amended by adding the following section:

28 USC 2256.

“§ 2256. Jurisdiction of proceedings relating to transferred offenders

“When a treaty is in effect between the United States and a foreign country providing for the transfer of convicted offenders—

Exclusive
jurisdiction.

“(1) the country in which the offender was convicted shall have exclusive jurisdiction and competence over proceedings seeking to challenge, modify, or set aside convictions or sentences handed down by a court of such country;

“(2) all proceedings instituted by or on behalf of an offender transferred from the United States to a foreign country seeking to challenge, modify, or set aside the conviction or sentence upon which the transfer was based shall be brought in the court which would have jurisdiction and competence if the offender had not been transferred;

“(3) all proceedings instituted by or on behalf of an offender transferred to the United States pertaining to the manner of execution in the United States of the sentence imposed by a foreign court shall be brought in the United States district court for the district in which the offender is confined or in which supervision is exercised and shall name the Attorney General and the official having immediate custody or exercising immediate supervision of the offender as respondents. The Attorney General shall defend against such proceedings;

“(4) all proceedings instituted by or on behalf of an offender seeking to challenge the validity or legality of the offender's transfer from the United States shall be brought in the United States district court of the district in which the proceedings to determine the validity of the offender's consent were held and shall name the Attorney General as respondent; and

“(5) all proceedings instituted by or on behalf of an offender seeking to challenge the validity or legality of the offender's transfer to the United States shall be brought in the United States district court of the district in which the offender is confined or of the district in which supervision is exercised and shall name the Attorney General and the official having immediate custody or exercising immediate supervision of the offender as respondents. The Attorney General shall defend against such proceedings.”.

SEC. 4. That chapter 48, title 10, United States Code, is amended by adding the following section:

“§ 955. Prisoners transferred to or from foreign countries

10 USC 955.

“(a) When a treaty is in effect between the United States and a foreign country providing for the transfer of convicted offenders, the Secretary concerned may, with the concurrence of the Attorney General, transfer to said foreign country any offender against chapter 47 of this title. Said transfer shall be effected subject to the terms of said treaty and chapter 306 of title 18, United States Code.

“(b) Whenever the United States is party to an agreement on the status of forces under which the United States may request that it take custody of a prisoner belonging to its armed forces who is confined by order of a foreign court, the Secretary concerned may provide for the carrying out of the terms of such confinement in a military correctional facility of his department or in any penal or correctional institution under the control of the United States or which the United States may be allowed to use. Except as otherwise specified in such agreement, such person shall be treated as if he were an offender against chapter 47 of this title.”.

Offenders
belonging to U.S.
armed forces,
transfer.

SEC. 5. (a) There is authorized to be appropriated such funds as may be required to carry out the purposes of this Act.

Appropriation
authorization.

(b) The Attorney General shall certify to the Secretary of State the expenses of the United States related to the return of an offender to the foreign country of which the offender is a citizen or national for

18 USC 4100
note.
18 USC 4102
note.

18 USC 3006A
note.

which the United States is entitled to seek reimbursement from that country under a treaty providing for transfer and reimbursement.

(c) The Attorney General shall certify to the Administrative Office of the United States Courts those expenses which it is obligated to pay on behalf of an indigent offender under section 3006A of title 18, United States Code, and similar statutes.

Approved October 28, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-720 (*Comm. on the Judiciary*).
SENATE REPORT No. 95-435 (*Comm. on the Judiciary*).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Sept. 21, considered and passed Senate.

Oct. 25, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 44:

Oct. 28, Presidential statement.

Public Law 95-145
95th Congress

An Act

To authorize the creation of a record of admission for permanent residence in the cases of certain refugees from Vietnam, Laos, or Cambodia, and to amend the Indochina Migration and Refugee Assistance Act of 1975 to extend the period during which refugee assistance may be provided, and for other purposes.

Oct. 28, 1977

[H.R. 7769]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ADJUSTMENT OF STATUS OF INDOCHINA
REFUGEES

SEC. 101. That (a) the status of any alien described in subsection (b) of this section may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if—

(1) the alien makes an application for such adjustment within six years after the date of enactment of this title;

(2) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except for the grounds for exclusion specified in paragraph (14), (15), (20), (21), (25), and (32) of section 212(a) of the Immigration and Nationality Act; and

(3) the alien has been physically present in the United States for at least two years.

(b) The benefits provided by subsection (a) shall apply to any alien who is a native or citizen of Vietnam, Laos, or Cambodia and who—

(1) was paroled into the United States as a refugee from those countries under section 212(d)(5) of the Immigration and Nationality Act subsequent to March 31, 1975, but prior to January 1, 1979; or

(2) was inspected and admitted or paroled into the United States on or before March 31, 1975, and was physically present in the United States on March 31, 1975.

SEC. 102. Upon approval of an application for adjustment of status under section 101 of this title, the Attorney General shall establish a record of the alien's admission for permanent residence as of March 31, 1975, or the date of the alien's arrival in the United States, whichever date is later.

SEC. 103. Any alien determined to be eligible for lawful admission for permanent residence under this title who acquired that status under the provisions of the Immigration and Nationality Act prior to the date of enactment of this title may, upon application, have his admission for permanent residence recorded as of March 31, 1975, or the date of his arrival in the United States, whichever date is later.

SEC. 104. When an alien has been granted the status of having been lawfully admitted to the United States for permanent residence pursuant to this title, his spouse and children, regardless of nationality, may also be granted such status by the Attorney General, in his discretion and under such regulations he may prescribe, if they meet the requirements specified in section 101(a) of this title. Upon approval

Indochinese
refugees.
Permanent
residence status,
adjustment and
refugee
assistance,
extension.
Conditions.
8 USC 1255 note.

8 USC 1182.

Record,
establishment.
8 USC 1255 note.

Recordation.
8 USC 1255 note.
8 USC 1101 note.

Spouse and
children of aliens,
grant of
permanent
residence status.
8 USC 1255 note.
Record, creation.

of the application, the Attorney General shall create a record of the alien's admission for permanent residence as of the date of the record of admission of the alien through whom such spouse and children derive benefits under this section.

Ineligibility. SEC. 105. Any alien who ordered, assisted, or otherwise participated in the persecution of any person because of race, religion, or political opinion shall be ineligible for permanent residence under any provision of this title.

8 USC 1255 note. SEC. 106. When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to the provisions of this title the Secretary of State shall not be required to reduce the number of visas authorized to be issued under the Immigration and Nationality Act, and the Attorney General shall not be required to charge the alien any fee.

8 USC 1255 note. SEC. 107. Except as otherwise specifically provided in this title, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this title. Nothing contained in this title shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, and naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this title shall not preclude him from seeking such status under any other provision of law for which he may be eligible.

TITLE II—EXTENSION OF THE INDOCHINA MIGRATION AND REFUGEE ASSISTANCE ACT OF 1975

Appropriation authorization. SEC. 201. Section 2 of the Indochina Migration and Refugee Assistance Act of 1975 is amended to read as follows:

22 USC 2601 note. "SEC. 2. (a) (1) Subject to the provisions of subsection (b), there are authorized to be appropriated, in addition to amounts otherwise available for such purposes, such sums as may be necessary for carrying out the provisions of paragraphs (3), (4), (5), and (6) of section 2(b) of the Migration and Refugee Assistance Act of 1962 with respect to aliens who have fled from Cambodia, Vietnam, or Laos.

22 USC 2601. "(2) Funds appropriated under this Act shall be made available to State or local public agencies to reimburse them for the non-Federal share of costs under titles IV and XIX of the Social Security Act for the provision of cash or medical assistance to aliens who have fled from Cambodia, Vietnam, or Laos.

Funds for cash or medical assistance. "(b) (1) None of the funds authorized to be appropriated by subsection (a) may be available for obligation after September 30, 1981.

42 USC 601, 1396. "(2) The amount of assistance (including the amount of reimbursement as described in subsection (a) (2)) provided to a State or local public agency under section 2(b) of the Migration and Refugee Assistance Act of 1962 for the purpose of providing cash or medical assistance to aliens who have fled from Cambodia, Vietnam, or Laos may not exceed—

"(A) for the fiscal year ending September 30, 1979, 75 per centum, and

"(B) for the fiscal year ending September 30, 1980, 50 per centum, and

"(C) for the fiscal year ending September 30, 1981, 25 per centum,

of the cost (including the non-Federal share of costs as described in subsection (a)(2)) of the State or local public agency in providing such assistance for such purpose for the fiscal year ending September 30, 1978.

“(c) In addition to amounts otherwise available for the purposes of this Act, there are authorized to be appropriated \$25,000,000, to remain available until expended, for special projects and programs, administered in whole or in part by State or local public agencies or by private voluntary agencies participating in the Indochina refugee assistance program, to assist minor and adult refugees in resettling and in gaining skills and education necessary to become self-reliant.”.

Additional
appropriation
authorization.

SEC. 202. (a) Section 4(b) of the Indochina Migration and Refugee Assistance Act of 1975 is amended to read as follows:

Annual report to
congressional
committees.
22 USC 2601
note.

“(b) Not later than December 31 of each year ending prior to January 1, 1982, the Secretary of Health, Education, and Welfare shall transmit to such committees a report describing fully and completely the status of refugees from Cambodia, Vietnam, and Laos.”.

(b) Section 4(c) of such Act is repealed.

Repeal.

Approved October 28, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-547 (Comm. on the Judiciary).

SENATE REPORT No. 95-471 accompanying S. 2108 (Comm. on Human Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Sept. 27, considered and passed House.

Oct. 10, considered and passed Senate, amended, in lieu of S. 2108.

Oct. 18, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 44:

Oct. 28, Presidential statement.

Public Law 95-146
95th Congress

An Act

Oct. 28, 1977
[H.R. 4836]

To extend by seven months the term of the National Commission on New
Technological Uses of Copyrighted Works.

National
Commission on
New
Technological
Uses of
Copyrighted
Works,
extension.
17 USC 201 note.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,* That section 206(b)
of Public Law 93-573 is amended to read as follows:

“(b) On or before July 31, 1978 the Commission shall submit to
the President and the Congress a final report on its study and investi-
gation which shall include its recommendations and such proposals for
legislation and administrative action as may be necessary to carry out
its recommendations.”.

Approved October 28, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-187 (Comm. on the Judiciary).
SENATE REPORT No. 95-477 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 123 (1977):
Apr. 19, considered and passed House.
Oct. 13, considered and passed Senate.

Public Law 95-147
95th Congress

An Act

To authorize the Secretary of the Treasury to invest public moneys, and for other purposes.

Oct. 28, 1977
[H.R. 5675]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized, for cash management purposes, to invest any portion of the Treasury's operating cash for periods of up to ninety days in (1) obligations of depositaries maintaining Treasury tax and loan accounts secured by a pledge of collateral acceptable to the Secretary of the Treasury as security for tax and loan accounts, and (2) obligations of the United States and of agencies of the United States: *Provided*, That the authority granted under this section shall not be construed as requiring the Secretary of the Treasury to invest any or all of the cash balance held in any particular account: *Provided further*, That the authority granted under this section shall not be construed as permitting the Secretary of the Treasury to require the sale of such obligations by any particular person, dealer, or financial institution. Investments in obligations of depositaries maintaining such accounts shall be made at rates of interest prescribed by the Secretary of the Treasury, after taking into consideration prevailing market rates of interest.

Secretary of the Treasury.
Public moneys, investment authority.
31 USC 1038.

Interest rates.

SEC. 2. (a) Section 5(k) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(k)) is amended by adding after "Bank" in the first sentence thereof the following: "shall be a depositary of public money and" and by striking the period at the end thereof and inserting the following: ", including services in connection with the collection of taxes and other obligations owed the United States, and the Secretary of the Treasury is hereby authorized to deposit public money in any such Federal savings and loan association or member of a Federal home loan bank, and shall prescribe such regulations as may be necessary to carry out the purposes of this subsection."

Federal Home Loan Banks, public money depositaries.

(b) Section 402(d) of the National Housing Act (12 U.S.C. 1725(d)) is amended by adding the following at the end thereof: "Insured institutions shall be depositaries of public money and may be employed as fiscal agents of the United States. The Secretary of the Treasury is authorized to deposit public money in such insured institutions, and shall prescribe such regulations as may be necessary to enable such institutions to become depositaries of public money and fiscal agents of the United States. Each insured institution shall perform all such reasonable duties as depositary of public money and fiscal agent of the United States as may be required of it including services in connection with the collection of taxes and other obligations owed the United States."

Insured institutions, public money depositaries.

(c) The Federal Credit Union Act (12 U.S.C. 1751-1790) is amended—

Credit unions, public money depositaries.

(1) by inserting after section 209 the following new section: "Sec. 210. Any credit union the accounts of which are insured under this title shall be a depositary of public money and may be employed as fiscal agent of the United States. The Secretary of the Treasury is authorized to deposit public money in any such insured

12 USC 1789a.

credit union, and shall prescribe such regulations as may be necessary to enable such credit unions to become depositories of public money and fiscal agents of the United States. Each credit union shall perform all such reasonable duties as depositories of public money and fiscal agent of the United States as may be required of it including services in connection with the collection of taxes and other obligations owed the United States.”; and

(2) by redesignating section 210 of the Federal Credit Union Act (12 U.S.C. 1790) as section 211.

State-chartered
banks and other
institutions,
public money
depositories.
12 USC 266.

(d) Banks, savings banks, and savings and loan, building and loan, homestead associations (including cooperative banks), and credit unions created under the laws of any State and the deposits or accounts of which are insured by a State or agency thereof or corporation chartered pursuant to the laws of any State may be depositories of public money and may be employed as fiscal agents of the United States. The Secretary of the Treasury is authorized to deposit public money in any such institution, and shall prescribe such regulations as may be necessary to enable such institutions to become depositories of public money and fiscal agents of the United States. Each such institution shall perform all such reasonable duties as depository of public money and fiscal agent of the United States as may be required of it including services in connection with the collection of taxes and other obligations owed the United States.

26 USC 6302.

SEC. 3. (a) Subsection (c) of section 6302 of the Internal Revenue Code of 1954 (relating to use of Government depositories) is amended—

(1) by striking out “or trust companies” and inserting in lieu thereof “, trust companies, domestic building and loan associations, or credit unions”; and

(2) by striking out “and trust companies” and inserting in lieu thereof “, trust companies, domestic building and loan associations, and credit unions”.

26 USC 7502.

(b) Subsection (e) of section 7502 of the Internal Revenue Code of 1954 (relating to mailing of deposits) is amended by striking out “or trust company” each time it appears and inserting in lieu thereof “, trust company, domestic building and loan association, or credit union”.

Effective date.
26 USC 6302
note.

(c) The amendments made by this section shall apply to amounts deposited after the date of the enactment of this Act.

Certain
International
Monetary Fund
deposits,
limitation.
Additional trust
funds,
establishment
limitation.
22 USC 286c.

SEC. 4. (a) The Bretton Woods Agreements Act (22 U.S.C. 286—286k-2) is amended—

(1) by striking out clause (g) of the first sentence of section 5, and by inserting immediately after clause (f) the following: “or (g) approve either the disposition of more than 25 million ounces of Fund gold for the benefit of the Trust Fund established by the Fund on May 6, 1976, or the establishment of any additional trust fund whereby resources of the International Monetary Fund would be used for the special benefit of a single member, or of a particular segment of the membership, of the fund.”;

(2) (A) by inserting “(a)” immediately after “Sec. 14.”; and

(B) by inserting at the end of section 14 the following new subsection:

Information,
transmittal to
congressional
committees.
22 USC 286k.

“(b) The President shall, upon the request of any committee of the Congress with legislative or oversight jurisdiction over monetary policy or the International Monetary Fund, provide to such committee any appropriate information relevant to that committee’s jurisdiction which is furnished to any department or agency of the United

States by the International Monetary Fund. The President shall comply with this provision consistent with United States membership obligations in the International Monetary Fund and subject to such limitations as are appropriate to the sensitive nature of the information.”.

(b) (1) Section 10(a) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(a)) is amended—

(A) by striking out “to and” immediately following “necessary” and inserting in lieu thereof a comma; and

(B) by inserting immediately after “International Monetary Fund” the following: “regarding orderly exchange arrangements and a stable system of exchange rates: *Provided, however,* That no loan or credit to a foreign government or entity shall be extended by or through such Fund for more than six months in any twelve-month period unless the President provides a written determination to the Congress that unique or exigent circumstances make such loan or credit necessary for a term greater than six months”.

(2) Section 10(b) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(b)) is amended by striking out the phrase “stabilizing the exchange value of the dollar” in the fourth sentence thereof and inserting in lieu thereof the phrase “the purposes prescribed by this section”.

(c) The joint resolution entitled “Joint resolution to assure uniform value to the coins and currencies of the United States”, approved June 5, 1933 (31 U.S.C. 463), shall not apply to obligations issued on or after the date of enactment of this section.

Loans to foreign governments, extension limitation. Presidential determination, submittal to Congress.

31 USC 463 note.

Approved October 28, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-159, Pt. 1 (Comm. on Banking, Finance and Urban Affairs) and No. 95-159, Pt. 2 (Comm. on Ways and Means).

SENATE REPORT No. 95-450 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 25, considered and passed House.

Oct. 11, considered and passed Senate, amended.

Oct. 14, House concurred in Senate amendment.

Public Law 95-148
95th Congress

An Act

Oct. 31, 1977
[H.R. 7797]

Making appropriations for Foreign Assistance and related programs for the fiscal year ending September 30, 1978, and for other purposes.

Foreign
Assistance and
Related
Programs
Appropriations
Act, 1978.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Foreign Assistance and related programs for the fiscal year ending September 30, 1978, and for other purposes, namely:

TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES

FUNDS APPROPRIATED TO THE PRESIDENT

22 USC 2151
note. For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, as amended, and for other purposes, to remain available until September 30, 1978, unless otherwise specified herein, as follows:

ECONOMIC ASSISTANCE

- 22 USC 2151a. Food and nutrition, Development Assistance: For necessary expenses to carry out the provisions of section 103, \$515,000,000.
- Population planning, Development Assistance: For necessary expenses to carry out the provisions of section 104(a), \$155,000,000.
- 22 USC 2151b. Health, Development Assistance: For necessary expenses to carry out the provisions of section 104(b), \$95,000,000: *Provided*, That \$2,000,000 shall be available for the World Health Organization Onchocerciasis Control Program.
- Education and human resources development, Development Assistance: For necessary expenses to carry out the provisions of section 105, \$76,000,000.
- 22 USC 2151c. Technical assistance, energy, research, reconstruction, and selected development problems, Development Assistance: For necessary expenses to carry out the provisions of section 106, \$90,000,000.
- 22 USC 2151d. Loan allocation, Development Assistance: Of the new obligational authority appropriated under this Act to carry out the provisions of sections 103-106, not less than \$310,500,000 shall be available for loans for fiscal year 1978: *Provided*, That of this amount \$75,000,000 shall be available for loans repayable within forty years following the date on which the funds were initially made available under such loans; \$87,000,000 shall be available for loans repayable within thirty years following such date; and \$148,500,000 of such amount shall be available for loans repayable within twenty years following such date.
- 22 USC 2221. International organizations and programs: For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, as amended, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$231,250,000, of which amount \$500,000 shall be for the Organization of American States Special Cultural Account, \$500,000 shall be for the Organization of
- 22 USC 287 note.

American States Special Development Assistance Fund, and \$1,500,000 shall be for the Organization of American States Special Multilateral Fund: *Provided*, That not more than \$115,000,000 shall be available for the United Nations Development Program: *Provided further*, That no part of any such appropriation for "International organizations and programs" may be available to make any contribution of the United States to the United Nations University, not more than \$25,000,000 shall be available for the United Nations Children's Fund, not more than \$1,000,000 shall be available for the United Nations Educational and Training Program for Southern Africa, not more than \$500,000 shall be available for the United Nations Namibia Institute, not more than \$3,000,000 shall be available for the United Nations Decade for Women, not more than \$2,000,000 shall be available for the United Nations Capital Development Fund, and not more than \$5,600,000 shall be available to strengthen the International Atomic Energy Agency's safeguards program out of the total contribution made available to the Agency.

American schools and hospitals abroad: For necessary expenses to carry out the provisions of section 214, \$23,750,000.

22 USC 2174.

Contingency fund: For necessary expenses, \$5,000,000, to be used for the purposes set forth in section 451.

22 USC 2261.

International disaster assistance: For necessary expenses to carry out the provisions of section 491, \$18,500,000.

22 USC 2292.

Italy relief and rehabilitation assistance: For necessary expenses to carry out the provisions of section 495B, \$25,000,000.

22 USC 2292h.

Sahel development program: For necessary expenses to carry out the provisions of section 121, \$50,000,000, to remain available until expended: *Provided*, That no part of such appropriation may be available to make any contribution of the United States to the Sahel development program in excess of 10 per centum of the total contributions to such program.

22 USC 2151s.

International narcotics control: For necessary expenses to carry out the provisions of section 481, \$37,100,000: *Provided*, That not to exceed \$3,000,000 shall be for the United Nations Fund for Drug Abuse Control: *Provided further*, That \$12,475,000 shall be available only for programs in Mexico.

22 USC 2291.

Payment to the Foreign Service Retirement and Disability Fund: For payment to the "Foreign Service Retirement and Disability Fund," as authorized by the Foreign Service Act of 1946, as amended, \$21,450,000.

22 USC 801 note.

Overseas training (foreign currency program): For necessary expenses to carry out the provisions of section 612, \$400,000 in foreign currencies which the Treasury Department declares to be excess to the normal requirements of the United States.

22 USC 2362.

Except for the Contingency Fund, unobligated balances as of September 30, 1977, of funds heretofore made available under the authority of the Foreign Assistance Act of 1961, as amended, are hereby continued available for the fiscal year 1978, for the same appropriation account and under the same terms, conditions, and limitations as originally provided in appropriations Acts and amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961, as amended, are, if deobligated, hereby continued available for the same appropriation account and under the same terms, conditions, and limitations as

22 USC 2151
note.

31 USC 200.

Notification to congressional committees.

originally provided in appropriations Acts: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the obligation of such funds for activities, programs, projects, type of materiel assistance, countries or other operations not justified or in excess of the amount justified for fiscal year 1978.

22 USC 1819.

The Mutual Security Appropriation Act, 1956, is amended by striking out section 108 thereof, effective as of October 1, 1977.

None of the funds made available under this Act for "Food and nutrition, Development Assistance," "Population planning, Development Assistance," "Health, Development Assistance," "Education and human resources development, Development Assistance," "Technical assistance, energy, research, reconstruction, and selected development problems, Development Assistance," "International organizations and programs," "American schools and hospitals abroad," "Sahel development program," "International narcotics control," "Middle East special requirements fund," "Security supporting assistance," "Operating Expenses of the Agency for International Development," "Military assistance," "International military education and training," "Foreign military credit sales," "Inter-American Foundation," "Peace Corps," or "Migration and refugee assistance," shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of the these specific headings for fiscal year 1978 unless the Appropriations Committees of both Houses of the Congress are previously notified fifteen days in advance.

MIDDLE EAST SPECIAL REQUIREMENTS FUND

22 USC 2443.

Middle East special requirements fund: For necessary expenses to carry out the provisions of section 903 of the Foreign Assistance Act of 1961, as amended, \$8,000,000: *Provided*, That none of the funds appropriated under this heading may be used to provide a United States contribution to the United Nations Relief and Works Agency: *Provided further*, That none of the funds appropriated under this heading may be used to carry out those provisions of section 903 of the Foreign Assistance Act of 1961 which pertain to the Sinai support mission.

SECURITY SUPPORTING ASSISTANCE

22 USC 2294, 2346, 2346b.

Security supporting assistance: For necessary expenses to carry out the provisions of sections 497, 531, and 533 of the Foreign Assistance Act of 1961, as amended, and those provisions of section 903 of the Foreign Assistance Act of 1961 which pertain to the Sinai support mission, \$2,202,200,000: *Provided*, That of the funds appropriated under this paragraph, \$785,000,000 shall be allocated to Israel, \$750,000,000 shall be allocated to Egypt, \$93,000,000 shall be allocated to Jordan, and \$90,000,000 shall be allocated to Syria.

Loan Allocation, Security Supporting Assistance: Of the new obligational authority appropriated under this Act for Security Supporting Assistance, not to exceed \$856,800,000 shall be available for grants: *Provided*, That of the amounts available for loans, not to exceed \$865,400,000 shall be available for loans with maturities in excess of thirty years, but not to exceed forty years, following the date on which funds were originally made available under such loans.

UNITED NATIONS FORCES IN CYPRUS

United Nations Forces in Cyprus: For payments, not otherwise provided for, by the United States to meet the expenses of the United Nations Forces in Cyprus, \$9,100,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

Operating expenses of the Agency for International Development: For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, as amended, \$213,000,000: *Provided*, That not more than \$94,100,000 of this amount shall be for AID-Washington Operating Expenses: *Provided further*, That not to exceed \$700,000 of funds provided to the Agency for International Development by this Act shall be available for hiring experts and consultants pursuant to 5 U.S.C. 3109 and of this amount not to exceed \$100,000 shall be available for hiring experts and consultants who are retired employees of the Agency for International Development: *Provided further*, That none of the funds made available by this Act shall be available for leasing, purchasing, renovating, or furnishing of housing or office space in Cairo, Egypt, except through the Foreign Building Operations of the Department of State: *Provided further*, That not to exceed \$125,000 of the funds made available by this Act shall be available for the Administrator's Development Seminar of the Agency for International Development. 22 USC 2427.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed \$10,000 for entertainment allowances), and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the program set forth in the budget for the current fiscal year.

INTER-AMERICAN FOUNDATION

The Inter-American Foundation is authorized to make such expenditures within the limits of funds available to it and in accordance with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out its authorized programs during the current fiscal year: *Provided*, That not to exceed \$7,062,000 of previously appropriated moneys shall be available to carry out the authorized programs during the current fiscal year.

MILITARY ASSISTANCE

Military assistance: For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, as amended, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, \$220,000,000: *Provided*, That none of the funds contained in this paragraph shall be available for the purchase of new automotive vehicles outside of the United States. 22 USC 2311.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

22 USC 2347.

International military education and training: For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, as amended, \$30,000,000: *Provided*, That none of the funds appropriated under this paragraph shall be used to provide international military education and training to the Government of Argentina.

GENERAL PROVISIONS

Water or land
related resource
project,
prohibitions.

SEC. 101. None of the funds herein appropriated (other than funds appropriated for "International organizations and programs") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America under the Principles and Standards for Planning Water and Related Land Resources dated October 25, 1973.

SEC. 102. Except for the appropriations entitled "Contingency fund", "International disaster assistance", and "United States emergency refugee and migration assistance fund", not more than 20 per centum of any appropriation item made available by this Act for fiscal year 1978 shall be obligated or reserved during the last month of availability.

Pensions,
annuities and
certain
compensation
payment
prohibition.
Procurement
contracts,
payment
prohibition.
22 USC 2151
note.

SEC. 103. None of the funds herein appropriated nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay, or adjusted service compensation for any persons heretofore or hereafter serving in the armed forces of any recipient country.

SEC. 104. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

United Nations
members,
assessments,
payment
prohibition.

SEC. 105. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

SEC. 106. None of the funds contained in title I of this Act may be used to carry out the provisions of sections 209(d) and 251(h) of the Foreign Assistance Act of 1961, as amended.

22 USC 2169,
2211.
Uganda,
Cambodia, Laos,
and the Socialist
Republic of
Vietnam,
assistance
prohibition.

SEC. 107. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Uganda, Cambodia, Laos, or the Socialist Republic of Vietnam.

SEC. 108. Of the funds appropriated or made available pursuant to this Act, not to exceed \$118,000 shall be for official residence expenses of the Agency for International Development during fiscal year 1978: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

SEC. 109. Of the funds appropriated or made available pursuant to this Act, not to exceed \$15,000 shall be for entertainment expenses of the Agency for International Development during fiscal year 1978.

SEC. 110. Of the funds appropriated or made available pursuant to this Act, not to exceed \$96,000 shall be for representation allowances of the Agency for International Development during fiscal year 1978: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

SEC. 111. Of the funds appropriated or made available pursuant to this Act, not to exceed \$73,900 shall be for entertainment expenses relating to the Military Assistance Program, International Military Education and Training, and Foreign Military Credit Sales during fiscal year 1978: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

SEC. 112. None of the funds appropriated or made available (other than funds for "International organizations and programs") pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to finance the export of nuclear equipment, fuel, or technology or to provide assistance for the training of foreign nationals in nuclear fields.

Nuclear material,
assistance,
prohibitions.
22 USC 2151
note.

SEC. 113. Funds appropriated by this Act may not be obligated or expended to provide security assistance to any country for the purpose of aiding directly the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights.

Human rights.

SEC. 114. None of the funds appropriated or made available pursuant to this Act shall be obligated or expended to finance directly any assistance to Mozambique or Angola.

Mozambique or
Angola,
assistance
prohibition.

SEC. 115. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated without the written prior approval of the Appropriations Committees of both Houses of the Congress.

TITLE II—FOREIGN MILITARY CREDIT SALES

FOREIGN MILITARY CREDIT SALES

For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of sections 23 and 24 of the Arms Export Control Act, \$675,850,000: *Provided*, That of the amount provided for the total aggregate credit sale ceiling during the current fiscal year, not less than \$1,000,000,000 shall be allocated to Israel.

22 USC 2763,
2764.

TITLE III—FOREIGN ASSISTANCE (OTHER)

INDEPENDENT AGENCY

ACTION—INTERNATIONAL PROGRAMS

PEACE CORPS

For expenses necessary for Action to carry out the provisions of the Peace Corps Act, as amended (22 U.S.C. 2501 et seq.), \$82,900,000.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for European Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109: \$53,054,000: *Provided*, That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to insure against Communist infiltration in the Western Hemisphere.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601), \$10,000,000, to remain available until expended.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury of the first installment of (1) the United States share of the increase in subscriptions to the (a) paid-in capital stock, and (b) callable capital stock, and (2) the United States contribution to the increase in resources of the Asian Development Fund, \$217,500,000, to remain available until expended: *Provided*, That no such payment may be made while the United States Director to the Bank is compensated by the Bank at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to the Bank is compensated by the Bank in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of (1) the increase in subscriptions to (a) paid-in capital stock, and (b) callable capital stock, and (2) the fifth replenishment of the resources of the Fund for Special Operations as authorized by the Act of May 31, 1976 (Public Law 94-302), \$523,000,000, to remain available until

expended: *Provided*, That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION
AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury for the first installment of the United States share of the increase in subscriptions to the (1) paid-in capital stock, and (2) callable capital stock, \$400,000,000, to remain available until expended: *Provided*, That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury for the first installment of the United States share of the increase in subscriptions to capital stock, \$38,000,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury for the first installment of the United States contribution to the fifth replenishment; \$800,000,000 to remain available until expended: *Provided*, That no such payment may be made while the United States Executive Director to the International Bank for Reconstruction and Development is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment by the Secretary of the Treasury for the final installment of the initial United States contribution to the African Development Fund as authorized by the Act of May 31, 1976 (Public Law 94-302), \$10,000,000, to remain available until expended.

22 USC 290g
note.

FUTURE UNITED STATES CONTRIBUTIONS TO THE INTERNATIONAL
FINANCIAL INSTITUTIONS

22 USC 262c
note.

It is the sense of the Senate that the United States share of contributions to future replenishments of the International Financial Institutions should not exceed the percentages enumerated below for each of the respective accounts within these institutions:

Asian Development Bank:

Paid-in capital, 16.3 percent;

Callable capital, 16.3 percent;

Asian Development Fund, 22.2 percent;

African Development Bank:

Special Fund, 10.6 percent;

Inter-American Development Bank:

Paid-in ordinary capital, 34.5 percent;

Callable ordinary capital, 34.5 percent;

Paid-in interregional capital, 34.5 percent;

Callable interregional capital, 34.5 percent;

Fund for Special Operations, 40 percent;

International Bank for Reconstruction and Development:

Paid-in capital, 18.7 percent;

Callable capital, 18.7 percent;

International Development Association, 25 percent;

International Finance Corporation, 23 percent.

TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES

31 USC 849.

Nuclear exports,
assistance
prohibition.

The Export-Import Bank of the United States is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, except as hereinafter provided: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

LIMITATION ON PROGRAM ACTIVITY

Not to exceed \$5,458,207,000 (of which not to exceed \$3,600,000,000 shall be for direct loans) shall be authorized during the current fiscal year for other than administrative expenses.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$12,695,000 (to be computed on an accrual basis) shall be available during the current fiscal year for administrative expenses, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed \$24,000 for entertainment allowances for members of the Board of Directors: *Provided*,

That (1) fees or dues to international organizations of credit institutions engaged in financing foreign trade, (2) necessary expenses (including special services performed on a contract or a fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, and (3) expenses (other than internal expenses of the Bank) incurred in connection with the issuance and servicing of guarantees, insurance, and reinsurance, shall be considered as nonadministrative expenses for the purposes hereof.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

Publicity or
propaganda.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Fiscal year
limitation.

SEC. 503. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act unless (1) such debt has been disputed by such country prior to the enactment of this Act or (2) such country has either arranged to make payment of the amount in arrears or otherwise taken appropriate steps, which may include renegotiation, to cure the existing default.

Countries in
default.

SEC. 503A. None of the funds appropriated or made available pursuant to this Act shall be used to provide military assistance, international military education and training, or foreign military credit sales to the Governments of Ethiopia and Uruguay.

Ethiopia and
Uruguay,
assistance
prohibition.

SEC. 503B. None of the funds appropriated or made available pursuant to this Act shall be used to provide foreign military credit sales to the Governments of Argentina, Brazil, El Salvador, and Guatemala.

Argentina, Brazil,
El Salvador, and
Guatemala,
assistance
prohibition.

SEC. 503C. Of the funds appropriated or made available pursuant to this Act, not more than \$18,100,000 shall be used for military assistance, not more than \$1,850,000 shall be used for foreign military credit sales, and not more than \$700,000 shall be used for international military education and training to the Government of the Philippines.

SEC. 504. None of the funds appropriated by this Act shall be available for the Office of the Inspector General of Foreign Assistance.

Office of
Inspector General
of Foreign
Assistance,
prohibition.
Certain
international
financial
institutions,
prohibition.

SEC. 505. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States' representative cannot upon request obtain the amounts and the names of borrowers for all loans of the international financial institution, including loans to employees of the institution, or the compensation and related benefits of employees of the institution.

Cuba, assistance
prohibition.

SEC. 506. None of the funds appropriated in this Act shall be used for any form of aid or trade, either by monetary payment or by the sale or transfer of any goods of any nature, directly to Cuba.

Human rights.
22 USC 262d-1.

SEC. 507. It is the sense of the Congress that, where other means have proven ineffective in promoting international human rights, and except where the President determines that the cause of international human rights is served more effectively by actions other than voting against such assistance or where the assistance is directed to programs that serve the basic needs of the impoverished majority of the country in question, United States representatives to the International Bank for Reconstruction and Development, the International Development Association, the African Development Fund, the Asian Development Bank, and the Inter-American Development Bank should oppose loans and other financial or technical assistance to any country that persists in a systematic pattern of gross violations of fundamental human rights.

SEC. 508. Notwithstanding the budget authority levels of \$523,000,000 for the Inter-American Development Bank and \$400,000,000 for the International Bank for Reconstruction and Development provided elsewhere in this Act, not more than \$480,000,000 shall be made available by this Act for obligation or expenditure for a United States contribution to the Inter-American Development Bank and not more than \$380,000,000 shall be made available by this Act for obligation or expenditure for a United States contribution to the International Bank for Reconstruction and Development: *Provided*, That this section shall apply only to the establishment of budget authority levels for the aforementioned Banks and shall not alter limitations, restrictions or other language provisions elsewhere in this Act.

Terrorism,
prohibitions.

SEC. 509. None of the funds appropriated or otherwise made available by this Act to the Export-Import Bank and funds appropriated by this Act for direct foreign assistance may be obligated for any government which aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism, unless the President of the United States finds that the national security requires otherwise.

Diplomatic
missions to U.S.,
insurance.
Reports to
Speaker of the
House and
President of the
Senate.
22 USC 252 note.

SEC. 510. It is the sense of the Congress that the Secretary of State should prepare and submit to the Speaker of the House of Representatives and to the President of the Senate—

(1) not later than six months after the date of enactment of this section, a report on the adequacy of insurance provided by the accredited diplomatic missions to the United States to cover loss or injury arising from the wrongful acts or omissions of the employees of such missions in the United States;

(2) not later than one year after the date of enactment of this section, a report on what efforts the President and the Secretary of State have made to encourage the provision of such coverage; and

Dr. Halla Brown,
accident
compensation.

(3) not later than six months after the date of enactment of this section, a report on what the Secretary of State has done to encourage the Government of Panama to make satisfactory compensation to Dr. Halla Brown for loss or injury arising out of the accident of April 20, 1974.

TITLE VI—ROMANIAN RELIEF AND REHABILITATION

SEC. 601. For expenses necessary to carry out the provisions of section 495D of the Foreign Assistance Act of 1961, as amended, 22 USC 2292j. \$13,000,000 for the fiscal year 1977 for Romanian relief and rehabilitation assistance, to remain available until expended.

This Act may be cited as the “Foreign Assistance and Related Programs Appropriations Act, 1978”. Short title.

Approved October 31, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-417 (Comm. on Appropriations), No. 95-633 (Comm. of Conference) and No. 95-701 (Comm. of Conference).

SENATE REPORT No. 95-352 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 22, 23, considered and passed House.

Aug. 5, considered and passed Senate, amended.

Oct. 18, House agreed to conference report; receded and concurred in certain Senate amendments; receded and concurred in certain other amendments, with amendments; disagreed to Senate amendment No. 47.

Oct. 19, Senate agreed to conference report; concurred in certain House amendments and receded from disagreement to amendment No. 47.

Public Law 95-149
95th Congress

Joint Resolution

Nov. 1, 1977
[H.J. Res. 573]

Commemorating General Thaddeus Kosciuszko by presenting a memorial plaque in his memory to the people of Poland on behalf of the American people.

Whereas October 17, 1977, marks the two-hundredth anniversary of the historic battle of Saratoga;

Whereas General Thaddeus Kosciuszko served in the Continental Army from 1776 through 1783, and played a vital and significant role in the battle of Saratoga;

Whereas the American people are indebted to Thaddeus Kosciuszko for his role in American independence; and

Whereas the American Council of Polish Cultural Clubs has made the arrangements for the erection of a memorial plaque near the sarcophagus of Thaddeus Kosciuszko in the Wawel Cathedral in Krakow, Poland, commemorating his dedication to the principles of freedom, and has obtained the approval of the Governments of Poland and the United States and the appropriate Polish ecclesiastical authorities for the erection of the plaque bearing the words both in Polish and in English: "On the Bicentennial Anniversary of the victory at Saratoga October 17, 1777, grateful America remembers General T. Kosciuszko fighter for your freedom and ours": Now, therefore, be it

General
Thaddeus
Kosciuszko.
Memorial plaque,
presentation to
Poland.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in an expression of esteem and gratitude by the American people, the plaque to be erected in the Wawel Cathedral in Krakow, Poland, on October 17, 1977, in the memory of General Thaddeus Kosciuszko, shall be presented by the Ambassador of the United States to Poland on behalf of the American people as a gift to the people of Poland.

Approved November 1, 1977.

LEGISLATIVE HISTORY:

SENATE REPORT No. 95-491 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Sept. 30, considered and passed House.

Oct. 17, considered and passed Senate.

Public Law 95-150
95th Congress

An Act

To provide for the study of certain lands to determine their suitability for designation as wilderness in accordance with the Wilderness Act of 1964, and for other purposes.

Nov. 1, 1977

[S. 393]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Montana Wilderness Study Act of 1977".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132), the Secretary of Agriculture (hereinafter known as the "Secretary") shall, within five years after the date of enactment of this Act, review certain lands designated by this section, as to their suitability for preservation as wilderness, and report his findings to the President, as follows:

(1) certain lands in the Beaverhead National Forest, Montana, which are generally depicted on a map entitled "West Pioneer Wilderness Study Area" and dated April 1976, comprising approximately one hundred and fifty-one thousand acres, which shall be known as the West Pioneer Wilderness Study Area;

(2) certain lands in the Beaverhead and Gallatin National Forests, Montana, which are generally depicted on a map entitled "Taylor-Hilgard Wilderness Study Area" dated April 1976, comprising approximately two hundred and eighty-nine thousand acres, which shall be known as the Taylor-Hilgard Wilderness Study Area;

(3) certain lands in the Bitterroot National Forest, Montana, which are generally depicted on a map entitled "Bluejoint Wilderness Study Area" and dated April 1976, comprising approximately sixty-one thousand acres, which shall be known as the Bluejoint Wilderness Study Area;

(4) certain lands in the Bitterroot and Deerlodge National Forests, Montana, which are generally depicted on a map entitled "Sapphire Wilderness Study Area" and dated April 1976, comprising approximately ninety-four thousand acres, which shall be known as the Sapphire Wilderness Study Area;

(5) certain lands in the Kootenai National Forest, Montana, which are generally depicted on a map entitled "Ten Lakes Wilderness Study Area" and dated April 1976, comprising approximately thirty-four thousand acres, which shall be known as the Ten Lakes Wilderness Study Area;

(6) certain lands in the Lewis and Clark National Forest, Montana, which are generally depicted on a map entitled "Middle Fork Judith Wilderness Study Area" dated April 1976, comprising approximately eighty-one thousand acres, which shall be known as the Middle Fork Judith Wilderness Study Area;

(7) certain lands in the Lewis and Clark National Forest, Montana, which are generally depicted on a map entitled "Big Snowies Wilderness Study Area" and dated April 1976, comprising approximately ninety-one thousand acres, which shall be known as the Big Snowies Wilderness Study Area;

Montana
Wilderness Study
Act of 1977.
16 USC 1132
note.
Land
designations,
review.
Report to
President.
16 USC 1132
note.

(8) certain lands in the Gallatin National Forest, Montana, which are generally depicted on a map entitled "Hyalite-Porcupine-Buffalo Horn Wilderness Study Area" and dated April 1976, comprising approximately one hundred and fifty-one thousand acres, which shall be known as the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area; and

(9) certain lands in the Kootenai National Forest, Montana, which are generally depicted on a map entitled "Mount Henry Wilderness Study Area" and dated April 1976, comprising approximately twenty-one thousand acres, which shall be known as the Mount Henry Wilderness Study Area.

Recommendations,
Presidential
advisement to
Congress.
16 USC 1132.

(b) The Secretary shall conduct his review, and the President shall advise the United States Senate and House of Representatives of his recommendations, in accordance with the provisions of subsections 3(b) and 3(d) of the Wilderness Act, except that any reference in such subsections to areas in the national forests classified as "primitive" shall be deemed to be a reference to the wilderness study areas designated by this Act and except that the President shall advise the Congress if his recommendations with respect to such areas within seven years after the date of enactment of this Act: *Provided, however*, That the Secretary shall give at least sixty days' advance public notice of any hearing or other public meeting concerning such areas.

Hearings, public
notice.

Maps,
availability.

(c) The maps referred to in this section shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

Administration.
16 USC 1132
note.

SEC. 3. (a) Except as otherwise provided by this section, and subject to existing private rights, the wilderness study areas designated by this Act shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

(b) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

(c) Nothing herein contained shall (1) limit the President in proposing, as part of his recommendation to Congress, the alteration of existing boundaries of any wilderness study area or recommending the addition to any such area of any contiguous area predominantly of wilderness value, or (2) limit the authority of the Secretary of Agriculture to establish, protect, study, or make recommendations to the President and Congress with respect to additional wilderness study areas within national forests in the State of Montana.

SEC. 4. There are hereby authorized to be appropriated after October 1, 1977, such sums as may be necessary to carry out the provisions of this Act.

Appropriation
authorization.
16 USC 1132
note.

Approved November 1, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-620 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 95-163 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 123 (1977):
May 18, considered and passed Senate.
Oct. 18, considered and passed House.

Public Law 95-151
95th Congress

An Act

To amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that Act, and for other purposes.

Nov. 1, 1977
[H.R. 3744]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Fair Labor
Standards
Amendments of
1977.

SHORT TITLE: REFERENCE TO ACT

SECTION 1. (a) This Act may be cited as the “Fair Labor Standards Amendments of 1977”.

29 USC 201 note.

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201-219).

INCREASE IN MINIMUM WAGE

SEC. 2. (a) Section 6(a)(1) (29 U.S.C. 206(a)(1)) is amended to read as follows:

“(1) not less than \$2.65 an hour during the year beginning January 1, 1978, not less than \$2.90 an hour during the year beginning January 1, 1979, not less than \$3.10 an hour during the year beginning January 1, 1980, and not less than \$3.35 an hour after December 31, 1980, except as otherwise provided in this section;”.

(b) Section 6(a)(5) (29 U.S.C. 206(a)(5)) is amended to read as follows:

“(5) if such employee is employed in agriculture, not less than the minimum wage rate in effect under paragraph (1) after December 31, 1977.”.

(c) Section 6(b) (29 U.S.C. 206(b)) is amended by striking out “wages at the following rates:” and paragraphs (1) through (4) and inserting in lieu thereof the following: “wages at the following rate: Effective after December 31, 1977, not less than the minimum wage rate in effect under subsection (a)(1).”.

(d)(1) Section 6(c) (29 U.S.C. 206(c)) is amended by striking out paragraphs (2) through (4) and inserting in lieu thereof the following:

“(2) (A) Each wage order rate under a wage order described in paragraph (1) which on December 31, 1977, is at least \$2 an hour shall, except as provided in paragraph (3), be increased—

“(i) effective January 1, 1978, by \$0.25 an hour or by such greater amount as may be recommended by a special industry committee under section 8, and

“(ii) effective January 1, 1979, and January 1 of each succeeding year, by \$0.30 an hour or by such greater amount as may be so recommended by such a special industry committee.

Effective dates.

"(B) Each wage order rate under a wage order described in paragraph (1) which on December 31, 1977, is less than \$2 an hour shall, except as provided in paragraph (3), be increased—

"(i) effective January 1, 1978, by \$0.20 an hour or by such greater amount as may be recommended by a special industry committee under section 8, and

"(ii) effective January 1, 1979, and January 1 of each succeeding year—

"(I) until such wage order rate is not less than \$2.30 an hour, by \$0.25 an hour or by such greater amount as may be so recommended by a special industry committee, and

"(II) if such wage order rate is not less than \$2.30 an hour, by \$0.30 an hour or by such greater amount as may be so recommended by a special industry committee.

"(C) In the case of any employee in agriculture who is covered by a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed pursuant to section 5, to whom the rate or rates prescribed by subsection (a) (5) of this section would otherwise apply, and whose hourly wage is increased above the wage rate prescribed by such wage order by a subsidy (or income supplement) paid, in whole or in part, by the government of Puerto Rico, the applicable increases prescribed by subparagraph (A) or (B) shall be applied to the sum of the wage rate in effect under such wage order and the amount by which the employee's hourly wage is increased by the subsidy (or income supplement) above the wage rate in effect under such wage order."

Ante, p. 1245.

(2) (A) Section 6(c) (1) is amended (i) by striking out "subsections (a) and (b)" and inserting in lieu thereof "subsection (a) (1)", (ii) by inserting "(A)" before "heretofore", and (iii) by inserting before the period the following: ", and (B) which prescribes a wage order rate which is less than the wage rate in effect under subsection (a) (1)".

(B) Paragraphs (5) and (6) of section 6(c) are redesignated as paragraphs (3) and (4), respectively.

(C) Paragraph (3) of such section (as so redesignated) is amended (i) by striking out "subsection (a) or (b)" and inserting in lieu thereof "subsection (a) (1)", and (ii) by striking out "such subsection" and inserting in lieu thereof "subsection (a) (1)".

(D) Paragraph (4) of such section (as so redesignated) is amended by striking out "or (3)".

Puerto Rico and
the Virgin
Islands.

Industry
committees,
convention.

29 USC 208.

Supra.

Ante, p. 1245.

(3) Section 8(a) is amended by inserting after the first sentence the following new sentence: "The Secretary shall, from time to time, convene an industry committee or committees, appointed pursuant to section 5, and any such industry committee—

"(1) shall, from time to time, recommend the minimum wage rates to be paid by employers who are in Puerto Rico, in the Virgin Islands, or in both places and who but for section 6(c) would be subject to the minimum wage requirements of section 6(a) (1), and

"(2) may, from time to time, recommend increases in the incremental increases authorized by section 6(c) (2)."

Minimum Wage
Study
Commission.

Establishment.

Study.

29 USC 204 note.

29 USC 201.

(e) (1) There is established the Minimum Wage Study Commission (hereinafter in this subsection referred to as the "Commission") which shall conduct a study of the Fair Labor Standards Act of 1938 and the social, political, and economic ramifications of the minimum wage, overtime, and other requirements of that Act. Such study shall include but not be limited to—

(A) the beneficial effects of the minimum wage, including its effect in ameliorating poverty among working citizens;

(B) the inflationary impact (if any) of increases in the minimum wage prescribed by that Act;

(C) the effect (if any) such increases have on wages paid employees at a rate in excess of the rate prescribed by that Act;

(D) the economic consequence (if any) of authorizing an automatic increase in the rate prescribed in that Act on the basis of an increase in a wage, price, or other index;

(E) the employment and unemployment effects (if any) of providing a different minimum wage rate for youth, and the employment and unemployment effects (if any) on handicapped and aged individuals of an increase in such rate and of providing a different minimum wage rate for such individuals;

(F) the effect (if any) of the full-time student certification program on employment and unemployment;

(G) the employment and unemployment effects (if any) of the minimum wage;

(H) the exemptions from the minimum wage and overtime requirements of that Act;

(I) the relationship (if any) between the Federal minimum wage rates and public assistance programs, including the extent to which employees at such rates are also eligible to receive food stamps and other public assistance;

(J) the overall level of noncompliance with that Act; and

(K) the demographic profile of minimum wage workers.

(2) The Commission shall conduct a study concerning the extent to which the exemptions from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938 may apply to employees of conglomerates, and shall make a report, within one year after the date of the appointment of the members of the Commission, of the results of such study. For the purposes of this paragraph a "conglomerate" means an establishment (A) which controls, is controlled by, or is under common control with, another establishment the activities of which are not related for a common business purpose to the activities of the establishment employing such employees and (B) whose annual gross volume of sales made or business done, when combined with the annual gross volume of sales made or business done by each establishment which controls, is controlled by, or is under common control with, the establishment employing such employee, exceeds \$100,000,000 (exclusive of excise taxes at the retail level which are separately stated). The report shall include an analysis of the effects of eliminating the exemptions from the minimum wage and overtime requirements of such Act that may currently apply to the employees of such conglomerates.

(3) The Commission shall make a report of the results of the study conducted pursuant to paragraph (1) thirty-six months after the date of the appointment of the members of the Commission. The report shall include such recommendations for legislation as the Commission determines are appropriate. The Commission may make interim or additional reports which it determines are appropriate. Each report shall be made to the President and to the Congress. The Commission shall cease to exist thirty days after the submission of the report required by this paragraph.

(4) (A) The Commission shall consist of eight members as follows:

(i) Two members appointed by the Secretary of Labor.

Study and report.

29 USC 201.

"Conglomerate."

Report to
President and
Congress.
Legislative
recommendations.
Interim reports.
Termination.

Membership.

- (ii) Two members appointed by the Secretary of Commerce.
- (iii) Two members appointed by the Secretary of Agriculture.
- (iv) Two members appointed by the Secretary of Health, Education, and Welfare.

The appointments authorized under this paragraph shall be made within 180 days after the date of enactment of this subsection.

**Chairperson.
Vacancies.**

(B) The Chairperson shall be selected by the members of the Commission. Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

Compensation.

(C) (i) Except as provided in clause (ii), members of the Commission who are officers or employees of the Federal Government shall serve without compensation. Other members, while engaged in the activities of the Commission, shall be paid at a rate equal to the per diem equivalent of the annual rate payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

**5 USC 5332 note.
Travel expenses.**

(ii) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

Rules.

(5) (A) The Commission may prescribe such rules as may be necessary to carry out its duties under this subsection.

Hearings.

(B) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it deems advisable.

(C) Upon request of the Commission, the head of any Federal department or agency is authorized to detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its duties under this subsection.

(D) The Department of Labor shall furnish such professional, technical, and research assistance as required by the Commission.

Support services.

(E) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request to carry out its duties under this subsection.

(F) The Commission may secure directly from any department or agency of the United States such information as the Commission may require to carry out its duties under this subsection. Upon request of the Commission, the head of any such department or agency shall furnish such information to the Commission.

(G) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

**Executive
director,
appointment.**

(6) (A) The Chairperson may appoint an executive director of the Commission who shall perform such duties as the Chairperson may prescribe.

(B) With approval of the Chairperson, the executive director may appoint and fix the pay of such clerical personnel as are necessary for the Commission to carry out its duties.

(C) The executive director and staff shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates but at rates not in excess of the annual rate payable for grade GS-18 of the General Schedule under section 5332 of such title.

5 USC 5101 *et*
seq., 5331 *et seq.*
5 USC 5332 note.

(D) The executive director, with the concurrence of the Chairperson, may obtain temporary and intermittent services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code. Experts and consultants.

TIP CREDIT

SEC. 3. (a) Effective January 1, 1978, section 3(t) (29 U.S.C. 203(t)) is amended by striking out "\$20" and inserting in lieu thereof "\$30". Effective dates.

(b) (1) Effective January 1, 1979, section 3(m) (29 U.S.C. 203(m)) is amended by striking out "50 per centum" and inserting in lieu thereof "45 per centum".

(2) Effective January 1, 1980, such section is amended by striking out "45 per centum" and inserting in lieu thereof "40 per centum".

EMPLOYEES OF CONCESSIONERS IN NATIONAL PARKS AND FORESTS AND IN THE NATIONAL WILDLIFE REFUGE SYSTEM

SEC. 4. (a) Section 13(a)(3) (29 U.S.C. 213(a)(3)) is amended by inserting before the semicolon the following: ", except that the exemption from sections 6 and 7 provided by this paragraph does not apply with respect to any employee of a private entity engaged in providing services or facilities (other than, in the case of the exemption from section 6, a private entity engaged in providing services and facilities directly related to skiing) in a national park or a national forest, or on land in the National Wildlife Refuge System, under a contract with the Secretary of the Interior or the Secretary of Agriculture". Exemptions.
29 USC 206,
207.

(b) Section 13(b) (29 U.S.C. 213(b)) is amended (A) by striking out the period at the end of paragraph (28) and inserting in lieu thereof "; or", and (B) by adding after such paragraph the following new paragraph:

"(29) any employee of an amusement or recreational establishment located in a national park or national forest or on land in the National Wildlife Refuge System if such employee (A) is an employee of a private entity engaged in providing services or facilities in a national park or national forest, or on land in the National Wildlife Refuge System, under a contract with the Secretary of the Interior or the Secretary of Agriculture, and (B) receives compensation for employment in excess of fifty-six hours in any workweek at a rate not less than one and one-half times the regular rate at which he is employed."

SHADE-GROWN TOBACCO EMPLOYEES

SEC. 5. Section 13(b)(22) (29 U.S.C. 213(b)(22)) is repealed. Repeal.

COTTON GINNING EMPLOYEES

SEC. 6. (a) Section 13(b)(25) (29 U.S.C. 213(b)(25)) is repealed. Repeal.

(b) Section 13 is amended by adding after subsection (h) the following new subsection: Exemptions.

"(i) The provisions of section 7 shall not apply for a period or periods of not more than fourteen workweeks in the aggregate in any period of fifty-two consecutive weeks to any employee who—

"(1) is engaged in the ginning of cotton for market in any place of employment located in a county where cotton is grown in commercial quantities; and

“(2) receives for any such employment during such workweeks—

“(A) in excess of ten hours in any workday, and

“(B) in excess of forty-eight hours in any workweek, compensation at a rate not less than one and one-half times the regular rate at which he is employed. No week included in any fifty-two week period for purposes of the preceding sentence may be included for such purposes in any other fifty-two week period.”.

SUGAR EMPLOYEES

Repeal.

Exemptions.

29 USC 207.

SEC. 7. (a) Section 13(b) (26) (29 U.S.C. 213(b) (26)) is repealed.
(b) Section 13 is amended by inserting after the subsection added by section 6 the following new subsection:

“(j) The provisions of section 7 shall not apply for a period or periods of not more than fourteen workweeks in the aggregate in any period of fifty-two consecutive weeks to any employee who—

“(1) is engaged in the processing of sugar beets, sugar beet molasses, or sugar cane into sugar (other than refined sugar) or syrup; and

“(2) receives for any such employment during such workweeks—

“(A) in excess of ten hours in any workday, and

“(B) in excess of forty-eight hours in any workweek, compensation at a rate not less than one and one-half times the regular rate at which he is employed. No week included in any fifty-two week period for purposes of the preceding sentence may be included for such purposes in any other fifty-two week period.”.

AGRICULTURAL HAND HARVEST LABORERS

Exemptions.

Waiver,
application.

29 USC 212.

SEC. 8. Section 13(c) (29 U.S.C. 213(c)) is amended—

(1) in paragraph (1) by inserting after “paragraph (2)” the following: “or (4)”, and

(2) by adding after paragraph (3) the following new paragraph:

“(4) (A) An employer or group of employers may apply to the Secretary for a waiver of the application of section 12 to the employment for not more than eight weeks in any calendar year of individuals who are less than twelve years of age, but not less than ten years of age, as hand harvest laborers in an agricultural operation which has been, and is customarily and generally recognized as being, paid on a piece rate basis in the region in which such individuals would be employed. The Secretary may not grant such a waiver unless he finds, based on objective data submitted by the applicant, that—

“(i) the crop to be harvested is one with a particularly short harvesting season and the application of section 12 would cause severe economic disruption in the industry of the employer or group of employers applying for the waiver;

“(ii) the employment of the individuals to whom the waiver would apply would not be deleterious to their health or well-being;

“(iii) the level and type of pesticides and other chemicals used would not have an adverse effect on the health or well-being of the individuals to whom the waiver would apply;

“(iv) individuals age twelve and above are not available for such employment; and

“(v) the industry of such employer or group of employers has traditionally and substantially employed individuals under twelve years of age without displacing substantial job opportunities for individuals over sixteen years of age.

“(B) Any waiver granted by the Secretary under subparagraph (A) shall require that—

“(i) the individuals employed under such waiver be employed outside of school hours for the school district where they are living while so employed;

“(ii) such individuals while so employed commute daily from their permanent residence to the farm on which they are so employed; and

“(iii) such individuals be employed under such waiver (I) for not more than eight weeks between June 1 and October 15 of any calendar year, and (II) in accordance with such other terms and conditions as the Secretary shall prescribe for such individuals’ protection.”.

RETAIL AND SERVICE ESTABLISHMENT COVERAGE

SEC. 9. (a) Section 3(s) (29 U.S.C. 203(s)) is amended by renumbering paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively, and inserting after paragraph (1) the following:

“(2) is an enterprise which is comprised exclusively of one or more retail or service establishments, as defined in section 13(a) (2), and whose annual gross volume of sales made or business done is not less than \$250,000 (exclusive of excise taxes at the retail level which are separately stated), beginning July 1, 1978, whose annual gross volume of sales made or business done is not less than \$275,000 (exclusive of excise taxes at the retail level which are separately stated), beginning July 1, 1980, whose annual gross volume of sales made or business done is not less than \$325,000 (exclusive of excise taxes at the retail level which are separately stated), and after December 31, 1981, whose annual gross volume of sales made or business done is not less than \$362,500 (exclusive of excise taxes at the retail level which are separately stated);”.

(b) Paragraph (1) of section 3(s) is amended by adding after “and beginning February 1, 1969, is an enterprise” the following: “. other than an enterprise which is comprised exclusively of retail or service establishments and which is described in paragraph (2).”.

(c) Section 3(s) is amended by adding at the end the following: “Notwithstanding paragraph (2), an enterprise which is comprised of one or more retail or service establishments, which on June 30, 1978, was subject to section 6(a) (1), and which because of a change in the dollar volume standard in such paragraph prescribed by the Fair Labor Standards Amendments of 1977 is not subject to such section, shall, if its annual gross volume of sales made or business done is not less than \$250,000 (exclusive of excise taxes at the retail level which are separately stated), pay its employees not less than the minimum wage in effect under such section on the day before such change takes effect and shall pay its employees in accordance with section 7. A violation of the preceding sentence shall be considered a violation of section 6 or 7, as the case may be.”.

(d) Section 13(a) (2) is amended by striking out “section 3(s) (4)” and inserting in lieu thereof “section 3(s) (5)”.

“Enterprise engaged in commerce or in the production of goods for commerce.”
Infra.

Supra.

Ante, p. 1245.

29 USC 207.
Violation.

29 USC 213.

REMEDIES

Violations.

29 USC 215.

SEC. 10. (a) Section 16(b) (29 U.S.C. 216(b)) is amended by adding immediately after the first sentence the following new sentence: "Any employer who violates the provisions of section 15(a) (3) of this Act shall be liable for such legal or equitable relief as may be appropriate to effectuate the purposes of section 15(a) (3), including without limitation employment, reinstatement, promotion, and the payment of wages lost and an additional equal amount as liquidated damages."

(b) Section 16(b) is further amended by—

(1) by striking out "Action to recover such liability" and inserting in lieu thereof "An action to recover the liability prescribed in either of the preceding sentences",

(2) inserting "(1)" after "section 17 in which", and

(3) striking the period at the end of the last sentence and substituting the following: "or (2) legal or equitable relief is sought as a result of alleged violations of section 15(a) (3)."

(c) The third sentence of section 16(c) is amended by inserting after "an action by or on behalf of any employee" the following: "to recover the liability specified in the first sentence of such subsection".

RELIGIOUS OR NON-PROFIT EDUCATIONAL CONFERENCE CENTERS

SEC. 11. Section 13(a) (3) (29 U.S.C. 213(a) (3)) is amended by inserting after "recreational establishment," the following: "organized camp, or religious or non-profit educational conference center,".

STUDENTS

SEC. 12. (a) Section 14(b) (4) (B) (29 U.S.C. 214(b) (4) (B)) is amended by striking "four" each time it appears and substituting "six".

REDUCTION OF PAPERWORK FOR EMPLOYMENT OF STUDENTS BY SMALL BUSINESSES

Simplified application form.

SEC. 13. Section 14(b) (4) (29 U.S.C. 214(b) (4)) is amended by adding at the end the following new subparagraph:

"(D) To minimize paperwork for, and to encourage, small businesses to employ students under special certificates issued under paragraphs (1) and (2), the Secretary shall, by regulation or order, prescribe a simplified application form to be used by employers in applying for such a certificate for the employment of not more than six full-time students. Such an application shall require only—

Requirements.

"(i) a listing of the name, address, and business of the applicant employer,

"(ii) a listing of the date the applicant began business, and

"(iii) the certification that the employment of such full-time students will not reduce the full-time employment opportunities of persons other than persons employed under special certificates."

HOTEL, MOTEL, AND RESTAURANT EMPLOYEES

Effective date.

SEC. 14. (a) Effective January 1, 1978, section 13(b) (8) (29 U.S.C. 213(b) (8)) is amended by striking out "forty-six hours" and inserting in lieu thereof "forty-four hours".

Repeal; effective date.

(b) Effective January 1, 1979, such section is repealed.

EFFECTIVE DATE

SEC. 15. (a) Except as provided in sections 3, 14, and subsection (b) of this section, the amendments made by this Act shall take effect January 1, 1978. 29 USC 203 note.

(b) The amendments made by sections 8, 9, 11, 12, and 13 shall take effect on the date of the enactment of this Act.

(c) On and after the date of the enactment of this Act, the Secretary of Labor shall take such administrative action as may be necessary for the implementation of the amendments made by this Act. Implementation, administrative action.

Approved November 1, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-521 (Comm. on Education and Labor) and No. 95-711 (Comm. of Conference).

SENATE REPORTS: No. 95-440 accompanying S. 1871 and No. 95-446 (both from Comm. on Human Resources) and No. 95-497 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Sept. 14, 15, considered and passed House.

Oct. 7, considered and passed Senate, amended, in lieu of S. 1871.

Oct. 19, Senate agreed to conference report.

Oct. 20, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 45:

Nov. 1, Presidential statement.

Public Law 95-152
95th Congress

An Act

Nov. 4, 1977

[H.R. 2817]

To provide for certain additions to the Tinicum National Environmental Center.

Tinicum National
Environmental
Center, Pa.
Additions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 30, 1972, entitled "An Act to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes" (16 U.S.C. 668dd, note) is amended—

Appropriation
authorization.

(1) by striking out "Wanamaker Avenue" in the last sentence of section 2 and inserting in lieu thereof "Darby Creek"; and

(2) by amending section 7 (b) to read as follows:

"(b) Beginning with fiscal year 1978, there are authorized to be appropriated, in addition to the appropriations authorized under subsection (a), \$8,850,000 to carry out the purposes of this Act."

Approved November 4, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-253 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 95-185 accompanying S. 1237 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 10, considered and passed House.

Oct. 19, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 45:

Nov. 4, Presidential statement.

Public Law 95-153
95th Congress

An Act

To amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such Act for fiscal year 1978.

Nov. 4, 1977

[H.R. 4297]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 111 of the Marine Protection, Research, and Sanctuaries Act of 1972 (23 U.S.C. 1420) is amended—

Marine
Protection,
Research, and
Sanctuaries Act
of 1972,
amendment.
Appropriation
authorization.

(1) by striking out “and” immediately after “September 30, 1976,”; and

(2) by adding immediately after “fiscal year 1977,” the following: “and not to exceed \$4,800,000 for fiscal year 1978.”

SEC. 2. Section 204 of such Act (33 U.S.C. 1444) is amended—

(1) by striking out “and” immediately after “September 30, 1976,”; and

(2) by adding immediately after “fiscal year 1977” the following: “, and not to exceed \$6,500,000 for fiscal year 1978”.

SEC. 3. Section 304 of such Act (16 U.S.C. 1434) is amended—

(1) by striking out “and” immediately after “September 30, 1976,”; and

(2) by adding immediately after “fiscal year 1977” the following: “, and not to exceed \$500,000 for fiscal year 1978”.

SEC. 4. (a) The Administrator of the Environmental Protection Agency (hereinafter referred to in this section as the “Administrator”) shall end the dumping of sewage sludge into ocean waters, or into waters described in section 101(b) of Public Law 92-532, as soon as possible after the date of enactment of this section, but in no case may the Administrator issue any permit, or any renewal thereof (under title I of the Marine Protection, Research, and Sanctuaries Act of 1972) which authorizes any such dumping after December 31, 1981.

Sewage sludge,
ocean dumping,
cessation.
33 USC 1412a.
33 USC 1411.

(b) For purposes of this section, the term “sewage sludge” means any solid, semisolid, or liquid waste generated by a municipal wastewater treatment plant the ocean dumping of which may unreasonably degrade or endanger human health, welfare, amenities, or the marine environment, ecological systems, or economic potentialities.

“Sewage sludge.”

Approved November 4, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS No. 95-325, pt. 1 (Comm. on Merchant Marine and Fisheries) and No. 95-325, pt. 2 (Comm. on Science and Technology).

SENATE REPORTS No. 95-216 accompanying S. 1425 (Comm. on Commerce, Science, and Transportation) and No. 95-189 accompanying S. 1527 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Oct. 6, 11, 14, considered and passed House.

Oct. 20, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 45:

Nov. 4, Presidential statement.

Public Law 95-154
95th Congress

Joint Resolution

Nov. 7, 1977
[H.J. Res. 611]

To extend the authority of the Federal Reserve banks to buy and sell certain obligations.

Federal Reserve
Act, amendment.
Ante, p. 49.
12 USC 355.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14(b) of the Federal Reserve Act is amended by striking out "October 1, 1977" and inserting in lieu thereof "May 1, 1978." and by striking out "September 30, 1977" and inserting in lieu thereof "April 30, 1978".

Approved November 7, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

Oct. 31, considered and passed House.

Nov. 3, considered and passed Senate.

Public Law 95-155
95th Congress

An Act

To authorize appropriations for activities of the Environmental Protection Agency, and for other purposes.

Nov. 8, 1977
[H.R. 5101]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Research, Development, and Demonstration Authorization Act of 1978".

SEC. 2. (a) There are authorized to be appropriated to the Environmental Protection Agency for environmental research, development, and demonstration activities for fiscal year 1978—

Environmental
Research,
Development,
and
Demonstration
Authorization Act
of 1978.

(1) \$92,500,000 for water quality activities authorized under the Federal Water Pollution Control Act of which—

33 USC 1251
note.

(A) \$25,200,000 is for the Health and Ecological Effects program;

(B) \$9,300,000 is for the Industrial Processes program;

(C) \$6,069,000 is for the Monitoring and Technical Support program;

(D) \$22,300,000 is for the Public Sector Activities program; and

(E) \$29,631,000 is for the Energy program.

(2) \$10,800,000 for activities authorized under the Federal Insecticide, Fungicide, and Rodenticide Act, in the Health and Ecological Effects program.

7 USC 136 note.

(3) \$16,000,000 for water supply activities authorized under the Safe Drinking Water Act, in the Public Sector program.

42 USC 300f
note.

(4) \$8,200,000 for toxic substance control activities authorized under the Toxic Substances Control Act, in the Health and Ecological Effects program.

15 USC 2601
note.

(5) \$830,000 for radiation activities authorized under the Public Health Act, in the Health and Ecological Effects program.

42 USC 201 note.

(6) \$35,000,000 for air quality activities authorized under the Clean Air Act, which shall be in addition to funds previously authorized in the Clean Air Act Amendments of 1977 (Public Law 95-95), so that the total amount authorized for such activities in fiscal year 1978 is \$155,000,000, of which—

42 USC 1857
note.
Ante, p. 685.

(A) \$36,000,000 is for the Health and Ecological Effects program;

(B) \$11,000,000 is for the Monitoring and Technical Support program;

(C) \$7,000,000 is for the Industrial Processes program; and

(D) \$101,000,000 is for the Energy program.

(7) \$31,273,000 for interdisciplinary activities, of which—

(A) \$9,230,000 is for the Health and Ecological Effects program;

(B) \$6,066,000 is for the Industrial Processes program;

(C) \$1,599,000 is for the Public Sector Activities program; and

(D) \$14,378,000 is for the Monitoring and Technical Support program.

(b) In addition to any other sums authorized by this section or by other provisions of law—

(1) there are authorized to be appropriated to the Administrator of the Environmental Protection Agency for fiscal year 1978, \$10,000,000 for long-term research and development in accordance with section 6 of this Act;

(2) there are authorized to be appropriated to the Administrator, for fiscal year 1978, \$2,000,000 for training of health scientists needed for environmental research and development in fields where there are national shortages of trained personnel; and

(3) there are authorized to be appropriated to the Administrator, for fiscal year 1978, \$3,000,000 to implement the study authorized in section 103(d) of the Clean Air Act Amendments of 1977 (Public Law 95-95).

Ante, p. 687.
Appropriation
authorization.

(c) There is authorized to be appropriated to the Administrator \$19,000,000 for fiscal year 1978 for program management and support related to environmental research and development.

Transfer of funds,
restriction.

(d) No funds may be transferred from any particular category listed in subsection (a) or (b) to any other category or categories listed in either such subsection if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in subsection (a) or (b) from any other category or categories listed in either such subsection if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Administrator of the Environmental Protection Agency or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate a written report containing a full and complete statement concerning the nature of the transfer and the reason therefor; or

(2) each committee of the House of Representatives and the Senate having jurisdiction over the subject matter involved, before the expiration of such period, has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 3. Appropriations made pursuant to the authority provided in section 2 of this Act shall remain available for obligation for expenditure, or for obligation and expenditure, for such period or periods as may be specified in the Acts making such appropriations.

Budget
projections.
42 USC 4361a.
42 USC 4361.

SEC. 4. The Administrator of the Environmental Protection Agency, in each annual revision of the five-year plan transmitted to the Congress under section 5 of Public Law 94-475, shall include budget projections for a "no-growth" budget, for a "moderate-growth" budget, and for a "high-growth" budget. In addition, each such annual revision shall include a detailed explanation of the relationship of each budget projection to the existing laws which authorize the Administration's environmental research, development, and demonstration programs.

Public sector
agencies, grants.
42 USC 300j-3a.

SEC. 5. (a) The Administrator of the Environmental Protection Agency shall offer grants to public sector agencies for the purposes of—

(1) assisting in the development and demonstration (including construction) of any project which will demonstrate a new or improved method, approach, or technology for providing a dependably safe supply of drinking water to the public; and

(2) assisting in the development and demonstration (including construction) of any project which will investigate and demonstrate health and conservation implications involved in the reclamation, recycling, and reuse of wastewaters for drinking and the processes and methods for the preparation of safe and acceptable drinking water.

(b) Grants made by the Administrator under this section shall be subject to the following limitations:

Grants,
limitations.

(1) Grants under this section shall not exceed 66⅔ per centum of the total cost of construction of any facility and 75 per centum of any other costs, as determined by the Administrator.

(2) Grants under this section shall not be made for any project involving the construction or modification of any facilities for any public water system in a State unless such project has been approved by the State agency charged with the responsibility for safety of drinking water (or if there is no such agency in a State, by the State health authority).

(3) Grants under this section shall not be made for any project unless the Administrator determines, after consultation, that such project will serve a useful purpose relating to the development and demonstration of new or improved techniques, methods, or technologies for the provision of safe water to the public for drinking.

(c) There are authorized to be appropriated for the purposes of this section \$25,000,000 for fiscal year 1978.

SEC. 6. (a) The Administrator of the Environmental Protection Agency shall establish a separately identified program to conduct continuing and long-term environmental research and development. Unless otherwise specified by law, at least 15 per centum of any funds appropriated to the Administrator for environmental research and development under section 2(a) of this Act or under any other Act shall be allocated for long-term environmental research and development under this section.

Research and
development
program.
42 USC 4363.

(b) The Administrator, after consultation with the Science Advisory Board, shall submit to the President and the Congress a report concerning the desirability and feasibility of establishing a national environmental laboratory, or a system of such laboratories, to assume or supplement the long-term environmental research functions created by subsection (a) of this section. Such report shall be submitted on or before March 31, 1978, and shall include findings and recommendations concerning—

Report to
President and
Congress.

(1) specific types of research to be carried out by such laboratory or laboratories;

(2) the coordination and integration of research to be conducted by such laboratory or laboratories with research conducted by existing Federal or other research facilities;

(3) methods for assuring continuing long-range funding for such laboratory or laboratories; and

(4) other administrative or legislative actions necessary to facilitate the establishment of such laboratory or laboratories.

Contents.

SEC. 7. (a) The Administrator of the Environmental Protection Agency shall assure that the expenditure of any funds appropriated pursuant to this Act or any other provision of law for environmental research and development related to regulatory program activities shall be coordinated with and reflect the research needs and priorities

42 USC 4364.

of the program offices, as well as the overall research needs and priorities of the Agency, including those defined in the five-year research plan.

Program offices.

(b) For purposes of subsection (a), the appropriate program offices are—

- (1) the Office of Air and Waste Management, for air quality activities;
- (2) the Office of Water and Hazardous Materials, for water quality activities and water supply activities;
- (3) the Office of Pesticides, for environmental effects of pesticides;
- (4) the Office of Solid Waste, for solid waste activities;
- (5) the Office of Toxic Substances, for toxic substance activities;
- (6) the Office of Radiation Programs, for radiation activities;
- and
- (7) the Office of Noise Abatement and Control, for noise activities.

Report to
President and
Congress.

(c) The Administrator shall submit to the President and the Congress a report concerning the most appropriate means of assuring, on a continuing basis, that the research efforts of the Agency reflect the needs and priorities of the regulatory program offices, while maintaining a high level of scientific quality. Such report shall be submitted on or before March 31, 1978.

Science Advisory
Board.
Establishment.
42 USC 4365.
Membership.

SEC. 8. (a) The Administrator of the Environmental Protection Agency shall establish a Science Advisory Board which shall provide such scientific advice as the Administrator requests.

(b) Such Board shall be composed of at least nine members, one of whom shall be designated Chairman, and shall meet at such times and places as may be designated by the Chairman of the Board in consultation with the Administrator. Each member of the Board shall be qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Board under this section.

42 USC 4361.

(c) In addition to providing scientific advice when requested by the Administrator under subsection (a), the Board shall review and comment on the Administration's five-year plan for environmental research, development, and demonstration provided for by section 5 of Public Law 94-475 and on each annual revision thereof. Such review and comment shall be transmitted to the Congress by the Administrator, together with his comments thereon, at the time of the transmission to the Congress of the annual revision involved.

Report to
Administrator,
President, and
Congress.

(d) The Board shall conduct a review of and submit a report to the Administrator, the President, and the Congress, not later than October 1, 1978, concerning—

- (1) the health effects research authorized by this Act and other laws;
- (2) the procedures generally used in the conduct of such research;
- (3) the internal and external reporting of the results of such research;
- (4) the review procedures for such research and results;
- (5) the procedures by which such results are used in internal and external recommendations on policy, regulations, and legislation; and
- (6) the findings and recommendations of the report to the House Committee on Science and Technology entitled "The

Environmental Protection Agency's Research Program with primary emphasis on the Community Health and Environmental Surveillance System (CHESS): An Investigative Report".

The review shall focus special attention on the procedural safeguards required to preserve the scientific integrity of such research and to insure reporting and use of the results of such research in subsequent recommendations. The report shall include specific recommendations on the results of the review to ensure scientific integrity throughout the Agency's health effects research, review, reporting, and recommendation process.

(e) (1) The Administrator, at the time any proposed criteria document, standard, limitation, or regulation under the Clean Air Act, the Federal Water Pollution Control Act, the Resource, Conservation and Recovery Act of 1976, the Noise Control Act, the Toxic Substances Control Act, or the Safe Drinking Water Act, or under any other authority of the Administrator, is provided to any other Federal agency for formal review and comment, shall make available to the Board such proposed criteria document, standard, limitation, or regulation, together with relevant scientific and technical information in the possession of the Environmental Protection Agency on which the proposed action is based.

42 USC 1857
note.
33 USC 1251
note.
42 USC 6901
note.
42 USC 4901
note.
15 USC 2601
note.
42 USC 300f
note.

(2) The Board may make available to the Administrator, within the time specified by the Administrator, its advice and comments on the adequacy of the scientific and technical basis of the proposed criteria document, standard, limitation, or regulation, together with any pertinent information in the Board's possession.

(f) In preparing such advice and comments, the Board shall avail itself of the technical and scientific capabilities of any Federal agency, including the Environmental Protection Agency and any national environmental laboratories.

(g) The Board is authorized to constitute such member committees and investigative panels as the Administrator and the Board find necessary to carry out this section. Each such member committee or investigative panel shall be chaired by a member of the Board.

Member
committees and
investigative
panels.
Secretary,
appointment.

(h) (1) Upon the recommendation of the Board, the Administrator shall appoint a secretary, and such other employees as deemed necessary to exercise and fulfill the Board's powers and responsibilities. The compensation of all employees appointed under this paragraph shall be fixed in accordance with chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code.

5 USC 5101,
5331.

(2) Members of the Board may be compensated at a rate to be fixed by the President but not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5 of the United States Code.

5 USC 5332 note.

(i) In carrying out the functions assigned by this section, the Board shall consult and coordinate its activities with the Scientific Advisory Panel established by the Administrator pursuant to section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

7 USC 136w.
42 USC 4366.

Sec. 9. (a) The Administrator of the Environmental Protection Agency, in consultation and cooperation with the heads of other Federal agencies, shall take such actions on a continuing basis as may be necessary or appropriate—

(1) to identify environmental research, development, and demonstration activities, within and outside the Federal Govern-

ment, which may need to be more effectively coordinated in order to minimize unnecessary duplication of programs, projects, and research facilities;

(2) to determine the steps which might be taken under existing law, by him and by the heads of such other agencies, to accomplish or promote such coordination, and to provide for or encourage the taking of such steps; and

(3) to determine the additional legislative actions which would be needed to assure such coordination to the maximum extent possible.

Report.
42 USC 4361.

The Administrator shall include in each annual revision of the five-year plan provided for by section 5 of Public Law 94-475 a full and complete report on the actions taken and determinations made during the preceding year under this subsection, and may submit interim reports on such actions and determinations at such other times as he deems appropriate.

(b) The Administrator of the Environmental Protection Agency shall coordinate environmental research, development, and demonstration programs of such Agency with the heads of other Federal agencies in order to minimize unnecessary duplication of programs, projects, and research facilities.

(c)(1) In order to promote the coordination of environmental research and development activities, and to assure that the action taken and methods used (under subsection (a) and otherwise) to bring about such coordination will be as effective as possible for that purpose, the Council on Environmental Quality in consultation with the Office of Science and Technology Policy shall promptly undertake and carry out a joint study of all aspects of the coordination of environmental research and development. The Chairman of the Council shall prepare a report on the results of such study, together with such recommendations (including legislative recommendations) as he deems appropriate, and shall submit such report to the President and the Congress not later than May 31, 1978.

(2) Not later than September 30, 1978, the President shall report to the Congress on steps he has taken to implement the recommendations included in the report under paragraph (1), including any recommendations he may have for legislation.

**Report to
President and
Congress.
Legislative
recommendations.
Presidential
report to
Congress.**

42 USC 4361b.

SEC. 10. The Administrator of the Environmental Protection Agency shall implement the recommendations of the report prepared for the House Committee on Science and Technology entitled "The Environmental Protection Agency Research Program with primary emphasis on the Community Health and Environmental Surveillance System (CHESS): An Investigative Report", unless for any specific recommendation he determines (1) that such recommendation has been implemented, (2) that implementation of such recommendation would not enhance the quality of the research, or (3) that implementation of such recommendation will require funding which is not available. Where such funding is not available, the Administrator shall request the required authorization or appropriation for such implementation. The Administrator shall report the status of such implementation in each annual revision of the five-year plan transmitted to the Congress under section 5 of Public Law 94-475.

SEC. 11. The Administrator of the Environmental Protection Agency shall increase the number of personnel positions in the Health and Ecological Effects program to 862 positions for fiscal year 1978.

**Personnel
positions,
increase.**

SEC. 12. (a) Each officer or employee of the Environmental Protection Agency who—

Annual
statement, filing.
42 USC 4367.

(1) performs any function or duty under this Act; and

(2) has any known financial interest in any person who applies for or receives grants, contracts, or other forms of financial assistance under this Act,

shall, beginning on February 1, 1978, annually file with the Administrator a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

(b) The Administrator shall—

(1) act within ninety days after the date of enactment of this Act—

(A) to define the term “known financial interest” for purposes of subsection (a) of this section; and

(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provision for the filing by such officers and employees of such statements and the review by the Administrator of such statements; and

(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

Report to
Congress.

(c) In the rules prescribed under subsection (b) of this section, the Administrator may identify specific positions of a nonpolicymaking nature within the Administration and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

(d) Any officer or employee who is subject to, and knowingly violates, this section, shall be fined not more than \$2,500 or imprisoned not more than one year, or both.

Violation,
penalty.

SEC. 13. It is the national policy that to the maximum extent possible the procedures utilized for implementation of this Act shall encourage the drastic minimization of paperwork.

Paperwork
minimization,
encouragement.

Approved November 8, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-157 (Comm. on Science and Technology) and No. 95-722 (Comm. of Conference).

SENATE REPORT No. 95-188 accompanying S. 1417 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 19, considered and passed House.

May 27, considered and passed Senate, amended, in lieu of S. 1417.

Oct. 20, Senate agreed to conference report.

Oct. 25, House agreed to conference report.

Public Law 95-156
95th Congress

An Act

Nov. 8, 1977
[H.R. 9090]

To exempt disaster payments made in connection with the 1977 crops of wheat, feed grains, upland cotton, and rice from the payment limitations contained in the Agricultural Act of 1970 and the Agricultural Act of 1949.

Wheat, feed
grains, upland
cotton, and rice.
Disaster payment
limitations,
exemption.
7 USC 1307 note.
7 USC 1307.
7 USC 1441.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the term "payments" as used in section 101 of the Agricultural Act of 1970, as amended, and section 101(g) (13) of the Agricultural Act of 1949, as amended, shall not include any part of any payment which is determined by the Secretary of Agriculture to represent compensation for disaster loss with respect to the 1977 crops of wheat, feed grains, upland cotton, and rice.

Approved November 8, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-638, pt. 1 (Comm. on Agriculture) and 95-638, pt. 2 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 123 (1977):
Oct. 17, considered and passed House.
Oct. 25, considered and passed Senate.

Public Law 95-157
95th Congress

An Act

To create the District Court for the Northern Mariana Islands, implementing article IV of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.

Nov. 8, 1977
[S. 2149]

Whereas section 401 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, approved by section 1 of the joint resolution of March 24, 1976 (Public Law 94-241; 90 Stat. 263), provides that the United States will establish a District Court for the Northern Mariana Islands: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established for and within the Northern Mariana Islands a court of record to be known as the District Court for the Northern Mariana Islands. The Northern Mariana Islands shall constitute a part of the same judicial circuit of the United States as Guam. Terms of court shall be held on Saipan and at such other places and at such times as the court may designate by rule or order.

Northern
Mariana Islands.
District Court,
establishment.
48 USC 1694.

(b) (1) The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court for the Northern Mariana Islands who shall hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The judge shall receive a salary payable by the United States which shall be at the rate prescribed for judges of the United States district courts.

District Court
Judge,
appointment and
term.
Salary.

(2) The Chief Judge of the Ninth Judicial Circuit of the United States may assign justices of the High Court of the Trust Territory of the Pacific Islands or judges of courts of record of the Northern Mariana Islands who are licensed attorneys in good standing or a circuit or district judge of the ninth circuit, including a judge of the District Court of Guam who is appointed by the President, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit to serve temporarily as a judge in the District Court for the Northern Mariana Islands whenever such an assignment is necessary for the proper dispatch of the business of the court. Such judges shall have all the powers of a judge of the District Court for the Northern Mariana Islands, including the power to appoint any person to a statutory position, or to designate a depository of funds or a newspaper for publication of legal notices.

Judges,
temporary
assignment.

(3) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and United States marshal for the Northern Mariana Islands to whose offices the provisions of chapters 35 and 37 of title 28, respectively, United States Code, shall apply.

United States
attorney and
marshal.
28 USC 541,
561.

(4) If the President appoints a judge for the District Court for the Northern Mariana Islands or a United States attorney or a United States marshal for the Northern Mariana Islands who at that time is serving in the same capacity in another district, the appointment shall, without prejudice to a subsequent appointment, be for the unexpired term of such judge or officer.

- (c) The provisions of chapters 43 and 49 of title 28, United States Code, and the rules heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18, 28, United States Code, shall apply to the District Court for the Northern Mariana Islands and appeals therefrom where appropriate, except as otherwise provided in articles IV and V of the covenant provided by the Act of March 24, 1976 (90 Stat. 263). The terms "attorney for the government" and "United States attorney" as used in the Federal Rules of Criminal Procedure (rule 54(c)) shall, when applicable to cases arising under the laws of the Northern Mariana Islands, include the attorney general of the Northern Mariana Islands or any other person or persons as may be authorized by the laws of the Northern Marianas to act therein.
- 28 USC 631, 751.** SEC. 2. (a) The District Court for the Northern Mariana Islands shall have the jurisdiction of a district court of the United States, except that in all causes arising under the Constitution, treaties, or laws of the United States, it shall have jurisdiction regardless of the sum or value of the matter in controversy.
- 48 USC 481 note.** (b) The district court shall have original jurisdiction in all causes in the Northern Mariana Islands not described in subsection (a) jurisdiction over which is not vested by the Constitution or laws of the Northern Mariana Islands in a court or courts of the Northern Mariana Islands. In causes brought in the district court solely on the basis of this subsection, the district court shall be considered a court of the Northern Mariana Islands for the purposes of determining the requirements of indictment by grand jury or trial by jury.
- 28 USC app.** SEC. 3. The district court shall have such appellate jurisdiction as the Constitution and laws of the Northern Mariana Islands provide. Appeals to the district court shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The judge appointed for the court by the President shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges assigned to the court from time to time pursuant to subsection 1(b) (2): *Provided, however,* That only one of them shall be a judge of a court of record of the Northern Mariana Islands. The concurrence of two judges shall be necessary to any decision by the district court on the merits of an appeal but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure.
- Jurisdiction. 48 USC 1694a. USC prec. title 1.** SEC. 4. (a) The relations between the courts established by the Constitution or laws of the United States and the courts of the Northern Mariana Islands with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus, and other matters or proceedings shall be governed by the laws of the United States pertaining to the relations between the courts of the United States and the courts of the several States in such matters and proceedings, except as otherwise provided in article IV of the covenant: *Provided,* That for the first fifteen years following the establishment of an appellate court of the Northern Mariana Islands the United States court of appeals for the judicial circuit which includes the Northern Mariana Islands shall have jurisdiction of appeals from all final decisions of the highest court of the Northern Mariana Islands from which a deci-
- Appellate jurisdiction. 48 USC 1694b.**
- Relationship between district and local courts. 48 USC 1694c.**

sion could be had in all cases involving the Constitution, treaties, or laws of the United States, or any authority exercised thereunder, unless those cases are reviewable in the District Court for the Northern Mariana Islands pursuant to section 3 of this Act. USC prec. title 1.

(b) Those portions of title 28 of the United States Code which apply to Guam or the District Court of Guam shall be applicable to the Northern Mariana Islands or the District Court for the Northern Mariana Islands, respectively, except as otherwise provided in article IV of the covenant. The district court established by this Act shall be a district court as that term is used in section 3006A of title 18, United States Code.

SEC. 5. This Act shall come into force upon its approval or at the time proclaimed by the President for the Constitution of the Northern Mariana Islands to become effective, whichever is the later date. Effective date.
48 USC 1694d.

SEC. 6. There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act. Appropriation
authorization.
48 USC 1694e.

Approved November 8, 1977.

LEGISLATIVE HISTORY:

SENATE REPORT No. 95-475 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Oct. 13, considered and passed Senate.

Oct. 25, considered and passed House.

Public Law 95-158
95th Congress

Joint Resolution

Nov. 8, 1977
[H.J. Res. 621]

Approving the Presidential decision on an Alaska natural gas transportation system, and for other purposes.

Alaska natural
gas
transportation
system,
Presidential
decision.
Congressional
approval.
15 USC 719f
note.
42 USC 4321
note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the House of Representatives and Senate approve the Presidential decision on an Alaska natural gas transportation system submitted to the Congress on September 22, 1977, and find that any environmental impact statements prepared relative to such system and submitted with the President's decision are in compliance with the Natural Environmental Policy Act of 1969.

Approved November 8, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-739, pt. I (Comm. on Interior and Insular Affairs) and No. 95-739, pt. II (Comm. on Interstate and Foreign Commerce).

SENATE REPORT No. 95-567 accompanying S.J. Res. 82 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Nov. 2, considered and passed House and Senate, in lieu of S.J. Res. 82.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 46:

Nov. 8, Presidential statement.

Public Law 95-159
95th Congress

An Act

To continue to suspend for a temporary period the import duty on certain horses,
and for other purposes.

Nov. 8, 1977

[H.R. 3259]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) items 903.50 and 903.51 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "6/30/76" and inserting in lieu thereof "6/30/80".

(b) The amendments made by subsection (a) shall apply to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

(c) Upon request therefor filed with the customs officer concerned on or before the ninetieth day after the date of enactment of this Act, the entry or withdrawal of any article—

(1) which was made after June 30, 1976, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if any amendment made by subsection (a) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

SEC. 2. (a) The headnotes to part 10 of schedule 4 of the Tariff Schedules of the United States (19 U.S.C. 1202) are amended by adding at the end thereof the following new headnote:

"4. (a) For purposes of this headnote, the term 'petroleum' means crude petroleum (including reconstituted crude petroleum) or crude shale oil provided for in items 475.05 or 475.10.

"(b) Petroleum shall, if a product of Canada, be admitted free of duty and any entry therefor shall be liquidated or reliquidated accordingly if, on or before the 180th day after the date of entry, documentation is filed with the customs officer concerned establishing that, pursuant to a commercial exchange agreement between United States and Canadian refiners which has been approved by the Secretary of Energy—

"(i) an import license for the petroleum covered by such entry has been issued by the Secretary; and

"(ii) an equivalent amount of domestic petroleum or duty-paid foreign petroleum has, pursuant to such commercial exchange agreement and to an export license issued by the Secretary of Commerce, been exported from the United States to Canada and has not previously been used to effect the duty-free entry of like Canadian products under this headnote.

"(c) The Secretary of the Treasury, after consulting with the Secretary of Commerce and the Secretary of Energy, shall issue such rules or regulations as may be necessary governing the admission of Canadian products pursuant to the provisions of this headnote."

Horses, duty
suspension,
extension.
19 USC 1202

app.
Effective date.
19 USC 1202

app. note.
19 USC 1202
app. note.

19 USC 1514.

"Petroleum."

Canadian
petroleum, duty-
free entry.
Documentation,
filing with
customs officer.

Rules and
regulations.
Consultation.

Effective date.
19 USC 1202
note.

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act pursuant to commercial exchange agreements referred to in headnote 4 of part 10 of schedule 4 of the Tariff Schedules of the United States (as added by such subsection) which are effective for periods beginning on or after such date of enactment.

19 USC 1202
app.

SEC. 3. (a) Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately before item 907.60 the following new item:

“	907. 20	Doxorubicin hydrochloride (provided for in item 407.85, part 1, or in item 437.32 or 438.02, part 3, schedule 4, depending on source)	Free	No change	On or before 6/30/80	”.
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Effective date.
19 USC 1202
app. note.

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of enactment of this Act.

Approved November 8, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-79 (Comm. on Ways and Means).

SENATE REPORT No. 95-422 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 21, considered and passed House.

Sept. 15, considered and passed Senate, amended.

Oct. 25, House concurred in Senate amendments.

Public Law 95-160
95th Congress

An Act

To suspend until the close of June 30, 1978, the duty on certain latex sheets, and for other purposes.

Nov. 8, 1977
[H.R. 2850]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 912.10 the following new item:

Latex sheets,
duty suspension.
19 USC 1202
app.

“	912. 12	Sheets, over 0.90 inch but not over 1.50 inches in thickness, of molded pin core latex foam rubber (provided for in item 770.70, part 12A, schedule 7)	Free	No change	On or before 6/30/78	”.
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(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Effective date.
19 USC 1202
app. note.

(c) Upon request therefor filed with the customs officer concerned on or before the ninetieth day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after May 9, 1977, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

19 USC 1514.

SEC. 2. (a) Item 911.25 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out “6/30/77” and inserting in lieu thereof “6/30/79”.

19 USC 1202
app.

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1977.

Effective date.
19 USC 1202
app. note.

SEC. 3. (a) Subpart B of part 12 of schedule 7 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out

“otherwise processed” in headnote 2(iv)(D) and inserting in lieu thereof “otherwise usefully processed”.

Effective date.
19 USC 1202
note.

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Approved November 8, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-423 (Comm. on Ways and Means).

SENATE REPORT No. 95-419 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 123 (1977):

July 18, *considered and passed House.*

Sept. 15, *considered and passed Senate, amended.*

Oct. 25, *House concurred in Senate amendments.*

Public Law 95-161
95th Congress

An Act

To suspend until the close of June 30, 1980, the duty on synthetic tantalum/columbium concentrate, and for other purposes.

Nov. 8, 1977

[H.R. 2982]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 911.25 the following:

Synthetic
tantalum/
columbian
concentrate, duty
suspension.
19 USC 1202
app.

“	911. 27	Synthetic tantalum/co- lumbium concentrate (provided for in item 603.70, pt. 1, schedule 6).....	Free	No change	On or before 6/30/80	”.
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(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Effective date.
19 USC 1202
app. note.
19 USC 1202
app.

SEC. 2. (a) Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately before item 907.80 the following new item:

“	907. 70	Concentrate of poppy straw (however provided for in part 3 of schedule 4) when imported for use in produc- ing codeine or morphine. . . .	Free	Free	On or before 6/30/80	”.
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(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Effective date.
19 USC 1202
app. note.
19 USC 1202
app.

SEC. 3. (a) Item 912.05 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by inserting “, and parts thereof” immediately after “Generator lighting sets for bicycles”; and

(2) by striking out “12/31/76” and inserting in lieu thereof “6/30/80”.

(b) Item 912.10 of the Appendix to such Schedules is amended to read as follows:

“	912.10	Caliper brakes, drum brakes, coaster brakes, three-speed hubs incorporating coaster brakes, three-speed hubs not incorporating coaster brakes, click twist grips, click stick levers, multiple free wheel sprockets, cotterless type crank sets, rims, parts of all the foregoing, and parts of bicycles consisting of sets of steel tubing cut to exact length and each set having the number of tubes needed for the assembly (with other parts) into the frame and fork of one bicycle (provided for in item 732.36, part 5C, schedule 7).....	Free	No change	On or before 6/30/80	”.
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Effective date.
19 USC 1202
app. note.

19 USC 1202
app. note.

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(d) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article (other than any derailleur) to which item 912.05 or 912.10 of the Tariff Schedules of the United States (as in effect on December 31, 1976) applied and—

(1) which was made after December 31, 1976, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if any of the amendments made by subsections (a) and (b) applied to such entry or withdrawal,

19 USC 1514. shall notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

Approved November 8, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-424 (Comm. on Ways and Means).

SENATE REPORT No. 95-420 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 123 (1977):

July 18, considered and passed House.

Sept. 16, considered and passed Senate, amended.

Oct. 25, House concurred in Senate amendments.

Public Law 95-162
95th Congress

An Act

To provide duty-free treatment for certain copying lathes used for making rough or finished shoe lasts and for parts of such lathes, and for other purposes.

Nov. 8, 1977
[H.R. 3093]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart F of part 4 of Schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

Copying lathes
for shoe lasts,
duty-free
treatment.

(1) by inserting immediately after item 674.40 the following new item:

“ 674. 41		Copying lathes used for making rough or finished shoe lasts from models of shoe lasts and, in addition, capable of producing more than one size shoe last from a single size model of a shoe last..		Free		Free	”;
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(2) by inserting immediately after item 674.42 the following new item:

“ 674. 48		Work and tool holders and other parts of, and accessories used principally with, copying lathes provided for in item 674.41.....		Free		Free	”; and
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(3) by striking out “machine tools;” in the superior heading to items 674.50 through 674.56, inclusive, and inserting in lieu thereof “machine tools (other than copying lathes provided for in item 674.41);”.

(b) Item 911.70 of the Appendix to such Schedules is repealed.

(c) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(d) Upon request therefor filed with the customs officer concerned on or before the ninetieth day after the date of the enactment of this Act, the entry of any article—

(1) which was made after June 30, 1976, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if any of the amendments made by subsection (a) applied to such entry, shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry had been made on the date of the enactment of this Act.

(e) The repeal made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 2. (a) Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by adding immediately after headnote 3 the following new headnote:

Repeal.
19 USC 1202
app.
Effective date.
19 USC 1202
note.
19 USC 1202
note.

19 USC 1514.

Effective date.
19 USC 1202
app. note.
Wool
classification.
19 USC 1202
app.

"4. For so long as items 905.10 and 905.11 are in effect, headnotes 3, 4, and 5 of subpart C of part 1 of schedule 3 shall be suspended (except insofar as they relate to hair of the camel) and in lieu thereof—

"(a) for purposes of item 307.40—

"(i) the classification provisions for wool not finer than 46s shall apply to any package of wool containing not over 10 percent by weight of wool finer than 46s but not containing wool finer than 48s; and

"(ii) the citation for imports classifiable under item 307.40 shall be such item number followed by the item number for the part of the contents of the package which determines the rate of duty; and

"(b) for purposes of item 905.11, a tolerance of not more than 10 percent of wools not finer than 48s may be allowed in each bale or package of wools imported as not finer than 46s."; and

(2) by adding immediately before item 905.30 the following new items:

905. 10	Wool (provided for in part 1C, schedule 3):			
	All wool provided for in items 306.00 through 306.24.....	Free	Free	On or before 6/30/80
905. 11	Wool not finer than 46s provided for in items 306.30 through 306.34....	Free	Free	On or before 6/30/80

Effective date.
19 USC 1202
app. note.

(b) The amendments made by this section shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

SEC. 3. (a) Subpart G of part 15 of schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out—

192. 65	Istle:			
	Crude.....	Free	Free	
192. 70	Processed.....	20% ad val.	20% ad val.	

and inserting in lieu thereof the following:

192. 66	Istle.....	Free	Free	
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(b) Item 903.90 of the Appendix to such Schedule is repealed.

(c) The amendments made by this section shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

Repeal.
19 USC 1202
app.
Effective date.
19 USC 1202
note.

Approved November 8, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-425 (Comm. on Ways and Means).

SENATE REPORT No. 95-421 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 123 (1977):

July 18, considered and passed House.

Sept. 15, considered and passed Senate, amended.

Oct. 25, House concurred in Senate amendments.

Public Law 95-163
95th Congress

An Act

Nov. 9, 1977

[H.R. 6010]

To amend title XIII of the Federal Aviation Act of 1958 to expand the types of risks which the Secretary of Transportation may insure or reinsure, and for other purposes.

Federal Aviation
Act of 1958,
amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1301 of the Federal Aviation Act of 1958 (49 U.S.C. 1531) is amended to read as follows:

“DEFINITIONS

“SEC. 1301. As used in this title—

“(1) the term ‘American aircraft’ means any civil aircraft of the United States and any aircraft owned or chartered by, or made available to, the United States or any department or agency thereof, the government of any State, territory, or possession of the United States, or any political subdivision thereof, or the District of Columbia;

“(2) the terms ‘insurance company’ and ‘insurance carrier’ include any mutual or stock insurance company, reciprocal insurance association, and any group or association authorized to do an aviation insurance business in any State of the United States; and

“(3) the term ‘Secretary’ means the Secretary of Transportation.”

49 USC 1531. (b) The center heading of title XIII of the Federal Aviation Act of 1958 is amended by striking out “WAR RISK” and inserting in lieu thereof “AVIATION”.

49 USC 1532. SEC. 2. Section 1302 of the Federal Aviation Act of 1958 is amended to read as follows:

“AUTHORITY TO INSURE

“AUTHORITY OF THE SECRETARY

“SEC. 1302. (a)(1) The Secretary, with the approval of the President, and after such consultation with interested agencies of the Government as the President may require, may provide insurance and reinsurance against loss or damage arising out of any risk from the operation of an aircraft in the manner and to the extent provided by this title, whenever it is determined by the Secretary that such insurance cannot be obtained on reasonable terms and conditions from any company authorized to do an insurance business in a State of the United States.

Approval. “(2) The President shall approve insurance or reinsurance under paragraph (1) of this subsection only if he has first made a determination that the continuation of the American aircraft, or the foreign-flag aircraft, operation to be insured or reinsured is necessary to carry out the foreign policy of the United States.

“(3) Insurance shall be issued under this title only to cover any risk from the operation of an aircraft while such aircraft is (A) engaged in foreign air commerce, or (B) being operated between two or more points all of which are outside of the United States.

“BASIS OF INSURANCE

“(b) The premium charged for any insurance or reinsurance issued under any provision of this title shall be based, insofar as practicable, upon consideration of the risk involved. Premium.

“PERIOD OF COVERAGE

“(c) No insurance or reinsurance may be provided by the Secretary under this title for an initial period of more than sixty days. Such insurance or reinsurance may be extended for additional periods each of which shall not exceed sixty days, but only if, before each such extension, the President makes the same determination with respect to such extension as he is required to make under paragraph (2) of subsection (a) of this section for the initial provision of such insurance or reinsurance.” Extension.

SEC. 3. Section 1303 of the Federal Aviation Act of 1958 is amended to read as follows: 49 USC 1533.

“INSURABLE PERSONS, PROPERTY, OR INTERESTS

“SEC. 1303. The Secretary may provide the insurance and reinsurance, authorized by section 1302 with respect to the following persons, property, or interest: Ante, p. 1278.

“(1) American aircraft and those foreign-flag aircraft engaged in aircraft operations deemed by the President to be necessary to carry out the foreign policy of the United States.

“(2) Cargoes transported or to be transported on any aircraft referred to in paragraph (1), including shipments by express or registered mail; air cargoes owned by citizens or residents of the United States, its territories, or possessions; air cargoes imported to, or exported from the United States, its territories, or possessions and air cargoes sold or purchased by citizens or residents of the United States, its territories, or possessions, under contracts of sale or purchase by the terms of which the risk of loss or the obligation to provide insurance against such risks is assumed by or falls upon a citizen or resident of the United States, its territories, or possessions; air cargoes transported between any point in the United States and any point in a territory or possession of the United States, between any point in any such territory or possession and any point in any other such territory or possession, or between any point in any such territory or possession and any other point in the same territory or possession.

“(3) The personal effects and baggage of the captains, pilots, officers, members of the crews of any aircraft referred to in paragraph (1), and of other persons employed or transported on such aircraft.

“(4) Captains, pilots, officers, members of the crews of any aircraft referred to in paragraph (1), and other persons employed or transported thereon against loss of life, injury, or detention.

“(5) Statutory or contractual obligations or other liabilities of any aircraft referred to in paragraph (1) or of the owner or operator of such aircraft of the nature customarily covered by insurance.”

SEC. 4. (a) Subsection (b) of section 1305 of the Federal Aviation Act of 1958 (49 U.S.C. 1535) is amended by striking out “rates” each place it appears and inserting in lieu thereof “premiums”. Reinsurance premiums.

- Premiums. (b) The center heading of such subsection (b) is amended by striking out "RATES" and inserting in lieu thereof "PREMIUMS".
- SEC. 5. (a) Subsection (b) of section 1307 of the Federal Aviation Act of 1958 (49 U.S.C. 1537) is amended by striking out "rates of premium provided for in this title: *Provided, That*" and inserting in lieu thereof "the premiums provided for in this title, except that".
- Authority expiration. (b) The center heading of such subsection (b) is amended by striking out "RATES" and inserting in lieu thereof "PREMIUMS".
- SEC. 6. Section 1312 of the Federal Aviation Act of 1958 (49 U.S.C. 1542) is amended by striking out "May 7, 1977." and inserting in lieu thereof "September 30, 1982.".
- SEC. 7. (a) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading.

"TITLE XIII—WAR RISK INSURANCE"

is amended by striking out

"TITLE XIII—WAR RISK INSURANCE"

"Sec. 1301. Definitions.

"(a) American aircraft.

"(b) War risks.

"(c) Secretary.

"(d) Insurance company and insurance carrier.

"Sec. 1302. Authority to insure.

"(a) Power of the Secretary.

"(b) Basis of insurance.

"Sec. 1303. Insurable persons, property, or interests.

"(a) Aircraft.

"(b) Cargo.

"(c) Personal effects and baggage.

"(d) Persons.

"(e) Other interests."

and inserting in lieu thereof

"TITLE XIII—AVIATION INSURANCE"

"Sec. 1301. Definitions.

"Sec. 1302. Authority to insure.

"(a) Authority of the Secretary.

"(b) Basis of insurance.

"(c) Period of coverage.

"Sec. 1303. Insurable persons, property, or interests."

(b) That portion of the table of contents contained in the first section of such Act which appears under the side heading

"Sec. 1305. Reinsurance."

is amended by striking out

"(b) Rates for reinsurance."

and inserting in lieu thereof

"(b) Premiums for reinsurance."

(c) That portion of the table of contents contained in the first section of such Act which appears under the side heading

"Sec. 1307. Administrative powers of Secretary."

is amended by striking out

"(b) Forms, policies, amounts insured, and rates."

and inserting in lieu thereof

"(b) Forms, policies, amounts insured, and premiums."

SEC. 8. (a) Section 403(b)(1) of the Federal Aviation Act of 1958 (49 U.S.C. 1373(b)(1)) is amended by striking out "to ministers of religion on a space available basis." and inserting in lieu thereof "on a space-available basis to any minister of religion, any person who is sixty years of age or older and retired, any person who is sixty-five years of age or older, and to any handicapped person and any attendant required by such handicapped person. For the purposes of this subsection, the term 'handicapped person' means any person who has severely impaired vision or hearing, and any other physically or mentally handicapped person, as defined by the Board. For purposes of this subsection, the term 'retired' means no longer gainfully employed as defined by the Board."

Reduced fares.

"Handicapped person."

"Retired."

(b) Within six months after the date of enactment of this section, the Board shall study and report to Congress on the feasibility and economic impact of air carriers and foreign air carriers providing reduced-rate transportation on a space-available basis to persons twenty-one years of age or younger.

Study.
Report to
Congress.
49 USC 1373
note.

SEC. 9. Section 401(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(d)) is amended by adding at the end thereof the following new paragraph:

Through service
by intrastate
carriers.

"(4) (A) Notwithstanding any other provision of this Act, any citizen of the United States who undertakes, within the State of California or the State of Florida, the carriage of persons or property as a common carrier for compensation or hire with aircraft capable of carrying thirty or more persons pursuant to authority for such carriage (i) within the State of California, granted by the Public Utilities Commission of such State, or (ii) within the State of Florida, granted by the Public Service Commission of such State, is authorized—

"(I) to establish services for persons and property which includes transportation by such citizen over its routes in California or Florida and transportation by an air carrier or foreign air carrier in air transportation; and

"(II) subject to the requirements of section 412 of this title, to enter into an agreement with any air carrier or foreign air carrier for the establishment of joint fares, rates, and services for such through service.

49 USC 1382.

"(B) The joint fares or rates established under clause (II) of subparagraph (A) of this paragraph shall be the lowest of—

Joint fares
or rates.

"(i) the sum of the applicable fare or rate for service in California approved by such Public Utilities Commission, or the sum of the applicable fare or rate for service in Florida approved by such Public Service Commission, and the applicable fare or rate for that part of the through service provided by the air carrier or foreign air carrier;

"(ii) a joint fare or rate established and filed in accordance with section 403 of this Act; or

Infra.

"(iii) a joint fare or rate established by the Board in accordance with section 1002 of this Act."

Post, p. 1286.

SEC. 10. (a) The first sentence of section 403(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1373) is amended to read as follows: "No change shall be made in any rate, fare, or charge, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, specified in any effective tariff—

"(1) of any air carrier, or foreign air carrier, directly engaged in the operation of aircraft if such rate, fare, or charge is for the carriage of property in air transportation, except after sixty

days' notice of the proposed change filed, posted, and published in accordance with subsection (a) of this section; and

"(2) (A) of any air carrier, or foreign air carrier, if such rate, fare, or charge is for the carriage of persons in air transportation, or (B) of any air carrier, or foreign air carrier, not directly engaged in the operation of aircraft if such rate, fare, or charge is for the carriage of property in air transportation, except after forty-five days' notice of the proposed change filed, posted, and published in accordance with subsection (a) of this section."

Post, p. 1286.

(b) The first sentence of section 1002(g) of such Act (49 U.S.C. 1482) is amended by inserting "at least fifteen days before the day on which such tariff would otherwise go into effect" immediately after "and delivering to the air carrier affected thereby".

Effective dates.
49 USC 1373
note.

SEC. 11. (a) The amendment made by subsection (a) of section 10 of this Act shall apply to any tariff change filed by any air carrier or foreign air carrier in accordance with section 403(c) of the Federal Aviation Act of 1958 after the thirtieth day after the date of enactment of this section.

Ante, p. 1281.

49 USC 1482
note.

(b) The amendment made by subsection (b) of section 10 of this Act shall apply to any tariff change filed by any air carrier for interstate or overseas air transportation in accordance with section 403(c) of the Federal Aviation Act of 1958 after the thirtieth day after the date of enactment of this section.

Local service air
carriers,
compensation.

SEC. 12. (a) Section 406(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1376(b)) is amended by adding at the end thereof the following new sentence: "In determining compensation for any local service air carrier for the year 1966 in accordance with the provisions of this subsection, the Board shall apply Local Service Class Subsidy Rate III-A as set forth in Board order E-23850 (44 CAB 637 et seq.), except that the Board shall not apply that part of such order which requires the Board to take into account any decrease in the Federal income tax liability of such carrier for such year resulting from any net operating loss carryback pursuant to section 172 of the Internal Revenue Code of 1954."

26 USC 172.
49 USC 1376
note.

Supra.

26 USC 172.

(b) In the event that the Civil Aeronautics Board in determining the amount of compensation to be paid to any local service air carrier for the year 1966 in accordance with the provisions of section 406(b) of the Federal Aviation Act of 1958 took into account any decrease in the Federal income tax liability for such air carrier for such year resulting from any net operating loss carryback pursuant to section 172 of the Internal Revenue Code of 1954, the Board shall redetermine the compensation to be paid to such air carrier in accordance with section 406(b) as amended by this section, and shall make payment to such air carrier of any amount owed to such carrier as provided in such redetermination.

Mail
transportation,
payments.

SEC. 13. Section 406(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1376) is amended by inserting at the end thereof the following new sentences: "Nothing in this section shall prohibit the Board from making payments as compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, for the period August 1, 1973, through July 31, 1975, where such payments have already been provided by Board order, to the holder of a certificate authorizing the transportation of mail by aircraft, to the account or for the benefit of any air carrier designated an 'air taxi operator' by the Board, which provided air transportation between points named in the holder's certificate in satisfaction of an

express condition to the suspension by Board order of the holder's certificate authority to engage in air transportation between those points. In no event shall such payments differ from the amount previously provided by such Board order."

SEC. 14. Section 501(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1401(b)) is amended to read as follows:

"ELIGIBILITY FOR REGISTRATION

"(b) An aircraft shall be eligible for registration if, but only if—

"(1) (A) it is—

"(i) owned by a citizen of the United States (other than a corporation) or by an individual citizen of a foreign country who has lawfully been admitted for permanent residence in the United States; or

"(ii) owned by a corporation lawfully organized and doing business under the laws of the United States or any State thereof so long as such aircraft is based and primarily used in the United States; and

"(B) it is not registered under the laws of any foreign country;

or

"(2) it is an aircraft of the Federal Government, or of a State, territory, or possession of the United States or the District of Columbia or a political subdivision thereof.

For purposes of this subsection, the Secretary of Transportation shall, by regulation, define the term 'based and primarily used in the United States'."

SEC. 15. (a) Section 601(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1421), relating to emergency locator transmitters, is amended as follows:

Emergency
locator
transmitters.

(1) In paragraph (1), immediately before ", minimum standards" insert the following: "and except as provided in paragraph (3) of this subsection".

(2) By adding at the end thereof the following new paragraph:

"(3) The Administrator shall issue regulations which permit, subject to such limitations and conditions as he prescribes in such regulations, the operation of any aircraft equipped with an emergency locator transmitter during any period for which such transmitter has been removed from such aircraft for inspection, repair, modification, or replacement."

Regulations.

(b) (1) Section 601 of such Act is amended by relettering subsection (d), relating to aviation fuel standards, as subsection (e).

Aviation fuel
standards.

(2) Any reference to such relettered subsection (e) shall be relettered accordingly.

49 USC 1421
note.

(c) That portion of the table of contents contained in the first section of such Act which appears under the side heading

"Sec. 601. General safety powers and duties."

is amended by striking out

"(d) Aviation fuel standards."

and inserting in lieu thereof the following:

"(d) Emergency locator transmitters.

"(e) Aviation fuel standards."

SEC. 16. (a) Section 102 of the Federal Aviation Act of 1958 is amended by inserting under the center heading the following subsection heading:

49 USC 1302.

“GENERAL FACTORS FOR CONSIDERATION”.

49 USC 1302.

(b) Section 102 of such Act is amended—

(1) by striking out “In the exercise and performance of its powers and duties under this Act,” and inserting in lieu thereof “(a) In the exercise and performance of its powers and duties under this Act,”;

(2) by redesignating existing clauses (a) through (f) as (1) through (6), respectively; and

(3) by adding at the end thereof the following new subsection:

“FACTORS FOR ALL-CARGO AIR SERVICE

“(b) In addition to the declaration of policy set forth in subsection (a) of this section, the Board, in the exercise and performance of its powers and duties under this Act with respect to all-cargo air service shall consider the following, among other things, as being in the public interest:

“(1) The encouragement and development of an expedited all-cargo air service system, provided by private enterprise, responsive to (A) the present and future needs of shippers, (B) the commerce of the United States, and (C) the national defense.

“(2) The encouragement and development of an integrated transportation system relying upon competitive market forces to determine the extent, variety, quality, and price of such services.

“(3) The provision of services without unjust discriminations, undue preferences or advantages, unfair or deceptive practices, or predatory pricing.”.

49 USC 1301
note.

(c) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading

“TITLE I—GENERAL PROVISIONS”

is amended by striking out

“Sec. 102. Declaration of Policy : The Board.”

and inserting in lieu thereof

“Sec. 102. Declaration of Policy : The Board.

“(a) General factors for consideration.

“(b) Factors for all-cargo air service.”.

SEC. 17. (a) Title IV of the Federal Aviation Act of 1958 (49 U.S.C. 1371 et seq.) is amended by adding at the end thereof the following new section:

“CERTIFICATE FOR ALL-CARGO AIR SERVICE

“APPLICATION

49 USC 1388.

49 USC 1371.

“SEC. 418. (a) (1) Any citizen of the United States who has a valid certificate issued under section 401(d)(1) of this title and who provided scheduled all-cargo air service at any time during the period from January 1, 1977, through the date of enactment of this section may, during the forty-five-day period which begins on the date of enactment of this section, submit an application to the Board for a certificate under this section to provide all-cargo air service. Such application shall contain such information and be in such form as the Board shall by regulation require.

49 USC 1386.

“(2) Any citizen of the United States who (A) operates pursuant to an exemption granted by the Board under section 416 of this title,

and (B) provided scheduled all-cargo air service continuously (other than for interruptions caused by labor disputes) during the 12-month period ending on the date of enactment of this section, or whose predecessor in interest provided such service during such period, may, during the forty-five-day period which begins on the date of enactment of this section, submit an application to the Board for a certificate under this section to provide all-cargo air service. Such application shall contain such information and be in such form as the Board shall by regulation require.

“(3) After the three hundred and sixty-fifth day which begins after the date of enactment of this section, any citizen of the United States may submit an application to the Board for a certificate under this section to provide all-cargo air service. Such application shall contain such information and be in such form as the Board shall by regulation require.

“ISSUANCE AND REVOCATION OF CERTIFICATE

“(b) (1) (A) Not later than sixty days after any application is submitted pursuant to paragraph (1) or (2) of subsection (a) of this section, the Board shall issue a certificate under this section authorizing the all-cargo air service covered by the application.

“(B) No later than one hundred and eighty days after any application is submitted pursuant to paragraph (3) of subsection (a) of this section, the Board shall issue a certificate under this section authorizing the whole or any part of the all-cargo air service covered by the application unless it finds that the applicant is not fit, willing, and able to provide such service and to comply with any rules and regulations promulgated by the Board.

“(2) Any certificate issued by the Board under this section may contain such reasonable conditions and limitations as the Board deems necessary, except that such terms and conditions shall not restrict the points which may be served, or the rates which may be charged, by the holder of such certificate.

“(3) Notwithstanding any other provision of this section, no certificate issued by the Board under this section shall authorize all-cargo air service between any pair of points both of which are within the State of Alaska or the State of Hawaii.

“(4) If any all-cargo air service authorized by a certificate issued under this subsection is not performed to the minimum extent prescribed by the Board, it may by order, entered after notice and opportunity for a hearing, direct that such certificate shall, thereafter, cease to be effective to the extent of such service.

“EXEMPTIONS

“(c) Any applicant who is issued a certificate under this section shall, with respect to any all-cargo air service provided in accordance with such certificate, be exempt from the requirements of section 401 (a) of this Act, and any other section of this Act which the Board by rule determines appropriate, and any rule, regulation, or procedure issued pursuant to any such section. 49 USC 1371.

“AIR CARRIER STATUS

“(d) Any applicant who is issued a certificate under this section shall be an air carrier for the purposes of this Act, except to the extent

such carrier is exempt from any requirement of the Act pursuant to this section.”.

(b) Section 101 of such Act (49 U.S.C. 1301) is amended by—

(1) renumbering paragraphs (11) through (38), and any references thereto, as paragraphs (12) through (39), respectively; and

“All-cargo air service.”

(2) inserting immediately after paragraph (10), the following new paragraph:

“(11) ‘All-cargo air service’ means—

“(A) the carriage by aircraft of only (i) property as a common carrier for compensation or hire, or (ii) mail, or both, in commerce between a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States through the airspace over any place outside thereof; or between places in the same territory or possession of the United States, or the District of Columbia;

“(B) the carriage by aircraft of only (i) property as a common carrier for compensation or hire, or (ii) mail, or both, in commerce between a place in any State of the United States or the District of Columbia and any place in the Commonwealth of Puerto Rico or the Virgin Islands or between a place in the Commonwealth of Puerto Rico and a place in the Virgin Islands;

whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.”.

(c) That portion of the table of contents contained in the first section of such Act which appears under the center heading

“TITLE IV—AIR CARRIER ECONOMIC REGULATION”

is amended by adding at the end thereof

“Sec. 418. Certificate for all-cargo air service.

“(a) Application.

“(b) Issuance and revocation of certificate.

“(c) Exemptions.

“(d) Air carrier status.”.

Complaints.

SEC. 18. (a) Subsection (d) of section 1002 of the Federal Aviation Act of 1958 (49 U.S.C. 1482(d)) is amended by—

Infra.

(1) striking out “Whenever,” and inserting in lieu thereof “(1) Except as provided in paragraph (2) of this subsection, whenever,”;

(2) striking out “interstate” and inserting in lieu thereof “interstate air transportation of persons, air transportation of property within the State of Alaska, air transportation of property within the State of Hawaii,”;

(3) striking out “effective: *Provided*, That as to rates, fares, and charges for overseas air transportation, the Board shall determine and prescribe only a just and reasonable maximum or minimum, or maximum and minimum rate, fare, or charge.” and inserting in lieu thereof “effective.”; and

Maximum and/or minimum rate, fare, or charge.

(4) adding at the end thereof the following new paragraphs:

“(2) With respect to rates, fares, and charges for overseas air transportation, the Board shall determine and prescribe only a just and reasonable maximum or minimum, or maximum and minimum rate, fare, or charge.

Unfair rate or charge, correction.

“(3) Whenever, after notice and hearing, upon complaint, or upon its own initiative, the Board shall be of the opinion that any individual or joint rate or charge demanded, charged, collected, or received by any

air carrier for interstate air transportation of property or any classification, rule, regulation, or practice affecting such rate or charge, or the value of the service thereunder, is or will be unjustly discriminatory, or unduly preferential, or unduly prejudicial, or predatory the Board shall alter such rate, charge, classification, rule, regulation, or practice to the extent necessary to correct such discrimination, preference, prejudice, or predatory practice and make an order that the air carrier or foreign air carrier shall discontinue demanding, charging, collecting, or receiving any such discriminatory, preferential, prejudicial, or predatory rate or charge or enforcing any such discriminatory, preferential, prejudicial, or predatory classification, rule, regulation, or practice.”

(b) The last sentence of subsection (g) of such section 1002 is amended to read as follows: “If the proceeding has not been concluded and an order made within the period of suspension, the proposed rate, fare, charge, classification, rule, regulation, or practice shall go into effect at the end of such period, except that this subsection shall not apply to any initial tariff filed by any air carrier. The Board shall not suspend any proposed tariff under this subsection because of the proposed rate, fare, charge, classification, rule, regulation, or practice stated therein unless the Board is empowered to find such proposed rate, fare, charge, classification, rule, regulation, or practice unjust or unreasonable and empowered to determine and prescribe the lawful rate, fare, charge, classification, rule, regulation, or practice, or the lawful maximum or minimum, or maximum and minimum rate, fare, or charge.”

Rate suspension.
49 USC 1482.

(c) The first sentence of subsection (h) of such section 1002 is amended by striking out “air transportation” and inserting in lieu thereof “interstate air transportation of persons, air transportation of property within the State of Alaska, air transportation of property within the State of Hawaii, or overseas or foreign air transportation”.

(d) Subsection (i) of such section 1002 is amended by striking out “interstate” and inserting in lieu thereof “interstate air transportation of persons, air transportation of property within the State of Alaska, air transportation of property within the State of Hawaii,”.

(e) (1) Such section 1002 is amended by adding at the end thereof the following new subsection:

“DEFINITIONS

“(k) (1) For purposes of this section, the term ‘interstate air transportation of property’ means—

“(A) the carriage by aircraft of property as a common carrier for compensation or hire in commerce between a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia (other than the carriage by aircraft of property by a common carrier between any pair of points both of which are within the State of Alaska or Hawaii if such carriage is part of the continuous carriage of such property and another common carrier provides, as part of such continuous carriage, the carriage by aircraft of such property between any pair of points one of which is within the State of Alaska or Hawaii and the other of which is not within the same State); or between places in the same State of the United States (other than the State of Alaska or Hawaii) through the airspace over any place outside thereof;

or between places in the same territory or possession of the United States, or the District of Columbia;

“(B) the carriage by aircraft of property as a common carrier for compensation or hire, in commerce between a place in any State of the United States or the District of Columbia and any place in the Commonwealth of Puerto Rico or the Virgin Islands or between a place in the Commonwealth of Puerto Rico and a place in the Virgin Islands;

whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

“(2) For purposes of this section, the term ‘overseas air transportation’ means—

“(A) the carriage by aircraft of persons as a common carrier for compensation or hire in commerce between a place in any State of the United States, or the District of Columbia, and any place in a territory or possession of the United States; or between a place in a territory or possession of the United States, and a place in any other territory or possession of the United States;

“(B) the carriage by aircraft of property as a common carrier for compensation or hire in commerce between a place in any State of the United States, or the District of Columbia, and any place in a territory or possession of the United States (other than the Commonwealth of Puerto Rico and the Virgin Islands); or between a place in a territory or possession of the United States (other than the Commonwealth of Puerto Rico and the Virgin Islands), and a place in any other territory or possession of the United States (other than the Commonwealth of Puerto Rico and the Virgin Islands);

whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

“(3) For purposes of this section, the term ‘air transportation of property within the State of Alaska’ means the carriage by aircraft of property (A) by a common carrier for compensation or hire in commerce between any pair of points both of which are within the State of Alaska if such carriage is part of the continuous carriage of such property and another common carrier provides, as part of such continuous carriage, the carriage by aircraft of such property between any pair of points one of which is within the State of Alaska and the other of which is not within such State, or (B) by a common carrier for compensation or hire in commerce between places in the State of Alaska through the airspace over any place outside thereof, whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

“(4) For purposes of this section, the term ‘air transportation of property within the State of Hawaii’ means the carriage by aircraft of property (A) by a common carrier for compensation or hire in commerce between any pair of points both of which are within the State of Hawaii if such carriage is part of the continuous carriage of such property and another common carrier provides, as part of such continuous carriage, the carriage by aircraft of such property between any pair of points one of which is within the State of Hawaii and the other of which is not within such State, or (B) by a common carrier for compensation or hire in commerce between places in the State of Hawaii through the airspace over any place outside thereof, whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.”.

(2) That portion of the table of contents contained in the first section of such Act which appears under the side heading

"Sec. 1002. Complaints to and investigations by the Administrator and the Board."

is amended by adding at the end thereof

"(k) Definitions."

SEC. 19. (a) Notwithstanding section 16 of the Federal Airport Act (as in effect on April 26, 1950), the Secretary of Transportation is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and the provisions of subsection (b) of this section, to grant releases from any of the terms, conditions, reservations, and restrictions contained in Patent Number 1,128,955, dated April 26, 1950, by which the United States gave and granted a patent in certain property to the city of Redmond, Oregon, for airport purposes.

Redmond, Oreg.,
property
restrictions,
release.
49 USC 1115
note.

(b) Any release granted by the Secretary of Transportation under subsection (a) of this section shall be subject to the following conditions:

Conditions.

(1) The city of Redmond, Oregon, shall agree that in conveying any interest in the property which the United States granted the city by Patent Number 1,128,955, dated April 26, 1950, the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by such Secretary).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

Approved November 9, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-301 (Comm. on Public Works and Transportation) and No. 95-773 (Comm. of Conference).

SENATE REPORT No. 95-199 accompanying S. 1325 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 17, considered and passed House.

May 27, considered and passed Senate, amended, in lieu of S. 1325.

June 8, House concurred in Senate amendment with an amendment.

Oct. 20, Senate concurred in House amendment with an amendment.

Oct. 28, Senate agreed to conference report.

Nov. 2, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 46:

Nov. 9, Presidential statement.

Public Law 95-164
95th Congress

An Act

Nov. 9, 1977

[S. 717]

To promote safety and health in the mining industry, to prevent recurring disasters in the mining industry, and for other purposes.

Federal Mine
Safety and Health
Amendments Act
of 1977.

30 USC 801 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Federal Mine Safety and Health Amendments Act of 1977”.

TITLE I—AMENDMENTS TO THE GENERAL PROVISIONS
OF THE FEDERAL COAL MINE HEALTH AND SAFETY
ACT OF 1969

SHORT TITLE

30 USC 801 note.

SEC. 101. The first section of the Federal Coal Mine Health and Safety Act of 1969 is amended to read as follows: “That this Act may be cited as the ‘Federal Mine Safety and Health Act of 1977’ ”

DEFINITIONS AND APPLICABILITY

30 USC 801.

SEC. 102. (a) (1) Section 2 of the Federal Coal Mine Health and Safety Act of 1969 is amended by inserting “or other” immediately after “coal” wherever it appears.

(2) Section 2(g)(1) of such Act is amended by striking out “the Interior” and inserting in lieu thereof “Labor”.

30 USC 802.

(b) (1) Section 3(a) of such Act is amended by striking out “the Interior” and inserting in lieu thereof “Labor”.

(2) Section 3(d) of such Act is amended by striking the semicolon at the end thereof, and inserting in lieu thereof “or any independent contractor performing services or construction at such mine;”.

(3) Section 3(h) of such Act is amended to read as follows:

“(h) (1) ‘coal or other mine’ means (A) an area of land from which minerals are extracted in nonliquid form or, if in liquid form, are extracted with workers underground, (B) private ways and roads appurtenant to such area, and (C) lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools, or other property including impoundments, retention dams, and tailings ponds, on the surface or underground, used in, or to be used in, or resulting from, the work of extracting such minerals from their natural deposits in nonliquid form, or if in liquid form, with workers underground, or used in, or to be used in, the milling of such minerals, or the work of preparing coal or other minerals, and includes custom coal preparation facilities. In making a determination of what constitutes mineral milling for purposes of this Act, the Secretary shall give due consideration to the convenience of administration resulting from the delegation to one Assistant Secretary of all authority with respect to the health and safety of miners employed at one physical establishment;

30 USC 841,
861, 901.

“(2) For purposes of titles II, III, and IV, ‘coal mine’ means an area of land and all structures, facilities, machinery, tools,

equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities;”.

(4) Sections 3 (d), (e), (g), and (j) of such Act are each amended by inserting “or other” immediately after “coal” wherever it appears. 30 USC 802.

(5) Section 3 of such Act is amended by striking out “and” at the end of paragraph (l), by striking out the period at the end of paragraph (m) and inserting in lieu thereof “; and”, and by adding at the end thereof the following new paragraphs:

“(n) ‘Administration’ means the Mine Safety and Health Administration in the Department of Labor.

“(o) ‘Commission’ means the Federal Mine Safety and Health Review Commission.”.

(c) Section 4 of such Act is amended by inserting “or other” immediately after “coal”. 30 USC 803.

(d) Section 5(c) of such Act is amended by striking out “Labor” and inserting in lieu thereof “the Interior”. 30 USC 804.

TITLE II—MINE SAFETY AND HEALTH STANDARDS AMENDMENTS

AMENDMENT TO TITLE I

SEC. 201. Title I of the Federal Coal Mine Health and Safety Act of 1969 is amended to read as follows:

“TITLE I—GENERAL

“MANDATORY SAFETY AND HEALTH STANDARDS

“SEC. 101. (a) The Secretary shall by rule in accordance with procedures set forth in this section and in accordance with section 553 of title 5, United States Code (without regard to any reference in such section to sections 556 and 557 of such title), develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines. Rules. 30 USC 811. 5 USC 556, 557.

“(1) Whenever the Secretary, upon the basis of information submitted to him in writing by an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing organization, the Secretary of Health, Education, and Welfare, the National Institute for Occupational Safety and Health, or a State or political subdivision, or on the basis of information developed by the Secretary or otherwise available to him, determines that a rule should be promulgated in order to serve the objectives of this Act, the Secretary may request the recommendation of an advisory committee appointed under section 102(c). The Secretary shall provide such an advisory committee with any proposals of his own or of the Secretary of Health, Education, and Welfare, together with all pertinent factual information developed by the Secretary or the Secretary of Health, Education, and Welfare, or otherwise available, including the results of research, demonstrations, and experiments. An advisory committee shall submit to the Secretary its Advisory committee recommendation, request. Information to advisory committee. Recommendations, submittal to Secretary.

Recommendation, referral to advisory committee.
Publication in Federal Register.

recommendations regarding the rule to be promulgated within 60 days from the date of its appointment or within such longer or shorter period as may be prescribed by the Secretary, but in no event for a period which is longer than 180 days. When the Secretary receives a recommendation, accompanied by appropriate criteria, from the National Institute for Occupational Safety and Health that a rule be promulgated, modified, or revoked, the Secretary must, within 60 days after receipt thereof, refer such recommendation to an advisory committee pursuant to this paragraph, or publish such as a proposed rule pursuant to paragraph (2), or publish in the Federal Register his determination not to do so, and his reasons therefor. The Secretary shall be required to request the recommendations of an advisory committee appointed under section 102(c) if the rule to be promulgated is, in the discretion of the Secretary which shall be final, new in effect or application and has significant economic impact.

Publication in Federal Register.

"(2) The Secretary shall publish a proposed rule promulgating, modifying, or revoking a mandatory health or safety standard in the Federal Register. If the Secretary determines that a rule should be proposed and in connection therewith has appointed an advisory committee as provided by paragraph (1), the Secretary shall publish a proposed rule, or the reasons for his determination not to publish such rule, within 60 days following the submission of the advisory committee's recommendation or the expiration of the period of time prescribed by the Secretary in such submission. In either event, the Secretary shall afford interested persons a period of 30 days after any such publication to submit written data or comments on the proposed rule. Such comment period may be extended by the Secretary upon a finding of good cause, which the Secretary shall publish in the Federal Register. Publication shall include the text of such rules proposed in their entirety, a comparative text of the proposed changes in existing rules, and shall include a comprehensive index to the rules, cross-referenced by subject matter.

Publication in Federal Register.

Written objections, filing.

"(3) On or before the last day of the period provided for the submission of written data or comments under paragraph (2), any interested person may file with the Secretary written objections to the proposed mandatory health or safety standard, stating the grounds therefor and requesting a public hearing on such objections. Within 60 days after the last day for filing such objections, the Secretary shall publish in the Federal Register a notice specifying the mandatory health or safety standard to which objections have been filed and a hearing requested, and specifying a time and place for such hearing. Any hearing under this subsection for the purpose of hearing relevant information shall commence within 60 days after the date of publication of the notice of hearing. Hearings required by this subsection shall be conducted by the Secretary, who may prescribe rules and make rulings concerning procedures in such hearings to avoid unnecessary cost or delay. Subject to the need to avoid undue delay, the Secretary shall provide for procedures that will afford interested parties the right to participate in the hearing, including the right to present oral statements and to offer written comments and data. The Secretary may require by subpoena the attendance of witnesses and the production of evidence in connection with any proceeding initiated under this section. If a person refuses to obey a subpoena under this subsection, a United States district court within the jurisdiction of which a proceeding under this subsection is conducted may, upon petition by the Secretary, issue an order requiring compliance with such subpoena. A transcript shall be taken of any such hearing and shall be available to the public.

Publication in Federal Register.
Hearing.

Witnesses and evidence, subpoena.
Compliance order, petition.

Transcript.

“(4) (A) Within 90 days after certification of the record of the hearing held pursuant to paragraph (3), the Secretary shall by rule promulgate, modify, or revoke such mandatory health or safety standards, and publish his reasons therefor. Standards.

“(B) In the case of a proposed mandatory health or safety standard to which objections requesting a public hearing have not been filed, the Secretary, within 90 days after the period for filing such objections has expired, shall by rule promulgate, modify, or revoke such mandatory standards, and publish his reasons therefor.

“(C) In the event the Secretary determines that a proposed mandatory health or safety standard should not be promulgated he shall, within the times specified in subparagraphs (A) and (B) publish his reasons for his determination.

“(5) Any mandatory health or safety standard promulgated as a final rule under this section shall be effective upon publication in the Federal Register unless the Secretary specifies a later date.

“(6) (A) The Secretary, in promulgating mandatory standards dealing with toxic materials or harmful physical agents under this subsection, shall set standards which most adequately assure on the basis of the best available evidence that no miner will suffer material impairment of health or functional capacity even if such miner has regular exposure to the hazards dealt with by such standard for the period of his working life. Development of mandatory standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the miner, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the mandatory health or safety standard promulgated shall be expressed in terms of objective criteria and of the performance desired. Toxic materials or harmful physical agents, standards development.

“(B) The Secretary of Health, Education, and Welfare, as soon as possible after the date of enactment of the Federal Mine Safety and Health Amendments Act of 1977 but in no event later than 18 months after such date and on a continuing basis thereafter, shall, for each toxic material or harmful physical agent which is used or found in a mine, determine whether such material or agent is potentially toxic at the concentrations in which it is used or found in a mine. The Secretary of Health, Education, and Welfare shall submit such determinations with respect to such toxic substances or harmful physical agents to the Secretary. Thereafter, the Secretary of Health, Education, and Welfare shall submit to the Secretary all pertinent criteria regarding any such substances determined to be toxic or any such harmful agents as such criteria are developed. Within 60 days after receiving any criteria in accordance with the preceding sentence relating to a toxic material or harmful physical agent which is not adequately covered by a mandatory health or safety standard promulgated under this section, the Secretary shall either appoint an advisory committee to make recommendations with respect to a mandatory health or safety standard covering such material or agent in accordance with paragraph (1), or publish a proposed rule promulgating such a mandatory health or safety standard in accordance with paragraph (2), or shall publish his determination not to do so. Toxicity determination by HEW Secretary.

“(7) Any mandatory health or safety standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that miners are apprised of all hazards to which they are exposed, relevant symptoms and appro- Submittal to Interior Secretary. Criteria. Referral to advisory committee. Warning labels, use.

Protective equipment and control procedures.	<p>priate emergency treatment, and proper conditions and precautions of safe use or exposure. Where appropriate, such mandatory standard shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring miner exposure at such locations and intervals, and in such manner so as to assure the maximum protection of miners. In addition, where appropriate, any such mandatory standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the operator at his cost, to miners exposed to such hazards in order to most effectively determine whether the health of such miners is adversely affected by such exposure. Where appropriate, the mandatory standard shall provide that where a determination is made that a miner may suffer material impairment of health or functional capacity by reason of exposure to the hazard covered by such mandatory standard, that miner shall be removed from such exposure and reassigned. Any miner transferred as a result of such exposure shall continue to receive compensation for such work at no less than the regular rate of pay for miners in the classification such miner held immediately prior to his transfer. In the event of the transfer of a miner pursuant to the preceding sentence, increases in wages of the transferred miner shall be based upon the new work classification. In the event such medical examinations are in the nature of research, as determined by the Secretary of Health, Education, and Welfare, such examinations may be furnished at the expense of the Secretary of Health, Education, and Welfare. The results of examinations or tests made pursuant to the preceding sentence shall be furnished only to the Secretary or the Secretary of Health, Education, and Welfare, and, at the request of the miner, to his designated physician.</p>
Medical examinations or tests.	
Results, disclosure.	
Surface mining construction, separate standards.	
Emergency temporary standard. 5 USC 500.	<p>“(8) The Secretary shall, to the extent practicable, promulgate separate mandatory health or safety standards applicable to mine construction activity on the surface.</p> <p>“(9) No mandatory health or safety standard promulgated under this title shall reduce the protection afforded miners by an existing mandatory health or safety standard.</p> <p>“(b) (1) The Secretary shall provide, without regard to the requirements of chapter 5, title 5, United States Code, for an emergency temporary mandatory health or safety standard to take immediate effect upon publication in the Federal Register if he determines (A) that miners are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful, or to other hazards, and (B) that such emergency standard is necessary to protect miners from such danger.</p> <p>“(2) A temporary mandatory health or safety standard shall be effective until superseded by a mandatory standard promulgated in accordance with the procedures prescribed in paragraph (3) of this subsection.</p>
Proceeding.	<p>“(3) Upon publication of such standard in the Federal Register, the Secretary shall commence a proceeding in accordance with section 101(a), and the standards as published shall also serve as a proposed rule for the proceeding. The Secretary shall promulgate a mandatory health or safety standard under this paragraph no later than nine months after publication of the emergency temporary standard as provided in paragraph (2).</p> <p>“(c) Upon petition by the operator or the representative of miners, the Secretary may modify the application of any mandatory safety standard to a coal or other mine if the Secretary determines</p>
Standard, promulgation.	
Standards modification, petition.	

that an alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard, or that the application of such standard to such mine will result in a diminution of safety to the miners in such mine. Upon receipt of such petition the Secretary shall publish notice thereof and give notice to the operator or the representative of miners in the affected mine, as appropriate, and shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of such operator or representative or other interested party, to enable the operator or the representative of miners in such mine or other interested party to present information relating to the modification of such standard. Before granting any exception to a mandatory safety standard, the findings of the Secretary or his authorized representative shall be made public and shall be available to the representative of the miners at the affected mine. The Secretary shall issue a decision incorporating his findings of fact therein, and send a copy thereof to the operator or the representative of the miners, as appropriate. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

Notice,
publication.
Investigation.

Public hearing.

Findings,
availability to
public.

Decision, copy.

“(d) Any person who may be adversely affected by a mandatory health or safety standard promulgated under this section may, at any time prior to the sixtieth day after such standard is promulgated, file a petition challenging the validity of such mandatory standard with the United States Court of Appeals for the District of Columbia Circuit or the circuit wherein such person resides or has his principal place of business, for a judicial review of such standard. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The filing of such petition shall not, unless otherwise ordered by the court, operate as a stay of the standard. No objection that has not been urged before the Secretary shall be considered by the court, unless the failure or neglect to urge such objection shall be excused for good cause shown. The validity of any mandatory health or safety standard shall not be subject to challenge on the grounds that any of the time limitations in this section have been exceeded. The procedures of this subsection shall be the exclusive means of challenging the validity of a mandatory health or safety standard.

Mandatory
standard validity,
challenge.
Petition.

“(e) The Secretary shall send a copy of every proposed mandatory health or safety standard or regulation at the time of publication in the Federal Register to the operator of each coal or other mine and the representative of the miners at such mine and such copy shall be immediately posted on the bulletin board of the mine by the operator or his agent, but failure to receive such notice shall not relieve anyone of the obligation to comply with such standard or regulation.

Proposed
standard, copies.

“ADVISORY COMMITTEES

“SEC. 102. (a) (1) The Secretary of the Interior shall appoint an advisory committee on coal or other mine safety research composed of—

Appointment.
Membership.
30 USC 812.

“(A) the Director of the Office of Science and Technology or his delegate, with the consent of the Director;

“(B) the Director of the National Bureau of Standards, Department of Commerce, or his delegate, with the consent of the Director;

“(C) the Director of the National Science Foundation, or his delegate, with the consent of the Director; and

“(D) such other persons as the Secretary of the Interior may appoint who are knowledgeable in the field of coal or other mine safety research.

Chairman. The Secretary of the Interior shall designate the chairman of the committee.

Duties. “(2) The advisory committee shall consult with, and make recommendations to, the Secretary of the Interior on matters involving or relating to coal or other mine safety research. The Secretary of the Interior shall consult with, and consider the recommendations of, such committee in the conduct of such research, the making of any grants, and the entering into of contracts for such research.

Conflict of interest. “(3) The chairman of the committee and a majority of the persons appointed by the Secretary of the Interior pursuant to paragraph (1) (D) shall be individuals who have no economic interests in the coal or other mining industry, and who are not operators, miners, or officers or employees of the Federal Government or any State or local government.

Membership. “(b) (1) The Secretary of Health, Education, and Welfare shall appoint an advisory committee on coal or other mine health research composed of—

“(A) the Director, Bureau of Mines, or his delegate, with the consent of the Director;

“(B) the Director of the National Science Foundation, or his delegate, with the consent of the Director;

“(C) the Director of the National Institutes of Health, or his delegate, with the consent of the Director; and

“(D) such other persons as the Secretary of Health, Education, and Welfare may appoint who are knowledgeable in the field of coal or other mine health research.

Chairman. The Secretary of Health, Education, and Welfare shall designate the chairman of the committee.

Duties. “(2) The advisory committee shall consult with, and make recommendations to, the Secretary of Health, Education, and Welfare on matters involving or relating to coal or other mine health research. The Secretary of Health, Education, and Welfare shall consult with, and consider the recommendations of, such committee in the conduct of such research, the making of any grants, and the entering into of contracts for such research.

Conflict of interest. “(3) The chairman of the committee and a majority of the persons appointed by the Secretary of Health, Education, and Welfare pursuant to paragraph (1) (D) shall be individuals who have no economic interests in the coal or other mining industry, and who are not operators, miners, or officers or employees of the Federal Government or any State or local government.

Other advisory committees, appointment. “(c) The Secretary or the Secretary of Health, Education, and Welfare may appoint other advisory committees as he deems appropriate to advise him in carrying out the provisions of this Act. The Secretary or the Secretary of Health, Education, and Welfare, as the case may be, shall appoint the chairman of each such committee. A majority of the members (including the chairman) of any such advisory committee appointed pursuant to this subsection shall be composed of individuals who have no economic interests in the coal or other mining industry, and who are not operators, miners, or officers or employees of the Federal Government or any State or local government.

Conflict of interest. A majority of the members (including the chairman) of any such advisory committee appointed pursuant to this subsection shall be composed of individuals who have no economic interests in the coal or other mining industry, and who are not operators, miners, or officers or employees of the Federal Government or any State or local government.

“(d) Advisory committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing committee business, entitled to receive compensation at a rate fixed by the appropriate Secretary but not in excess of the maximum rate of pay for grade GS-18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

Compensation
and expenses.

5 USC 5332
note.

“INSPECTIONS, INVESTIGATIONS, AND RECORDKEEPING

“SEC. 103. (a) Authorized representatives of the Secretary or the Secretary of Health, Education, and Welfare shall make frequent inspections and investigations in coal or other mines each year for the purpose of (1) obtaining, utilizing, and disseminating information relating to health and safety conditions, the causes of accidents, and the causes of diseases and physical impairments originating in such mines, (2) gathering information with respect to mandatory health or safety standards, (3) determining whether an imminent danger exists, and (4) determining whether there is compliance with the mandatory health or safety standards or with any citation, order, or decision issued under this title or other requirements of this Act. In carrying out the requirements of this subsection, no advance notice of an inspection shall be provided to any person, except that in carrying out the requirements of clauses (1) and (2) of this subsection, the Secretary of Health, Education, and Welfare may give advance notice of inspections. In carrying out the requirements of clauses (3) and (4) of this subsection, the Secretary shall make inspections of each underground coal or other mine in its entirety at least four times a year, and of each surface coal or other mine in its entirety at least two times a year. The Secretary shall develop guidelines for additional inspections of mines based on criteria including, but not limited to, the hazards found in mines subject to this Act, and his experience under this Act and other health and safety laws. For the purpose of making any inspection or investigation under this Act, the Secretary, or the Secretary of Health, Education, and Welfare, with respect to fulfilling his responsibilities under this Act, or any authorized representative of the Secretary or the Secretary of Health, Education, and Welfare, shall have a right of entry to, upon, or through any coal or other mine.

30 USC 813.

Advance notice.

Additional
inspections,
guidelines.

Interior Dept.
and HEW, right
of entry to mines.

“(b) For the purpose of making any investigation of any accident or other occurrence relating to health or safety in a coal or other mine, the Secretary may, after notice, hold public hearings, and may sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person under this section, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Notice and
hearing.
Subpoenas.

Witnesses fees.

Violation, notice.
Punishment.

Employee
exposures,
recordkeeping
regulations.

Records, access.

Undue exposure,
notification.

30 USC 841.

Accident
investigations.

Records,
availability.

Report to
Secretary.

Inspections.

Immediate
inspections.
Violation or
danger, notice to
Secretary.

“(c) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare, shall issue regulations requiring operators to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under any applicable mandatory health or safety standard promulgated under this Act. Such regulations shall provide miners or their representatives with an opportunity to observe such monitoring or measuring, and to have access to the records thereof. Such regulations shall also make appropriate provisions for each miner or former miner to have access to such records as will indicate his own exposure to toxic materials or harmful physical agents. Each operator shall promptly notify any miner who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by an applicable mandatory health or safety standard promulgated under section 101, or mandated under title II, and shall inform any miner who is being thus exposed of the corrective action being taken.

“(d) All accidents, including unintentional roof falls (except in any abandoned panels or in areas which are inaccessible or unsafe for inspections), shall be investigated by the operator or his agent to determine the cause and the means of preventing a recurrence. Records of such accidents and investigations shall be kept and the information shall be made available to the Secretary or his authorized representative and the appropriate State agency. Such records shall be open for inspection by interested persons. Such records shall include man-hours worked and shall be reported at a frequency determined by the Secretary, but at least annually.

“(e) Any information obtained by the Secretary or by the Secretary of Health, Education, and Welfare under this Act shall be obtained in such a manner as not to impose an unreasonable burden upon operators, especially those operating small businesses, consistent with the underlying purposes of this Act. Unnecessary duplication of effort in obtaining information shall be reduced to the maximum extent feasible.

“(f) Subject to regulations issued by the Secretary, a representative of the operator and a representative authorized by his miners shall be given an opportunity to accompany the Secretary or his authorized representative during the physical inspection of any coal or other mine made pursuant to the provisions of subsection (a), for the purpose of aiding such inspection and to participate in pre- or post-inspection conferences held at the mine. Where there is no authorized miner representative, the Secretary or his authorized representative shall consult with a reasonable number of miners concerning matters of health and safety in such mine. Such representative of miners who is also an employee of the operator shall suffer no loss of pay during the period of his participation in the inspection made under this subsection. To the extent that the Secretary or authorized representative of the Secretary determines that more than one representative from each party would further aid the inspection, he can permit each party to have an equal number of such additional representatives. However, only one such representative of miners who is an employee of the operator shall be entitled to suffer no loss of pay during the period of such participation under the provisions of this subsection. Compliance with this subsection shall not be a jurisdictional prerequisite to the enforcement of any provision of this Act.

“(g)(1) Whenever a representative of the miners or a miner in the case of a coal or other mine where there is no such representa-

tive has reasonable grounds to believe that a violation of this Act or a mandatory health or safety standard exists, or an imminent danger exists, such miner or representative shall have a right to obtain an immediate inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, signed by the representative of the miners or by the miner, and a copy shall be provided the operator or his agent no later than at the time of inspection, except that the operator or his agent shall be notified forthwith if the complaint indicates that an imminent danger exists. The name of the person giving such notice and the names of individual miners referred to therein shall not appear in such copy or notification. Upon receipt of such notification, a special inspection shall be made as soon as possible to determine if such violation or danger exists in accordance with the provisions of this title. If the Secretary determines that a violation or danger does not exist, he shall notify the miner or representative of the miners in writing of such determination.

Copies and
notification.

Special
inspection.

Notification.

“(2) Prior to or during any inspection of a coal or other mine, any representative of miners or a miner in the case of a coal or other mine where there is no such representative, may notify the Secretary or any representative of the Secretary responsible for conducting the inspection, in writing, of any violation of this Act or of any imminent danger which he has reason to believe exists in such mine. The Secretary shall, by regulation, establish procedures for informal review of any refusal by a representative of the Secretary to issue a citation with respect to any such alleged violation or order with respect to such danger and shall furnish the representative of miners or miner requesting such review a written statement of the reasons for the Secretary's final disposition of the case.

Violations or
danger, notice to
Secretary.

Informal review
procedures,
regulations.

“(h) In addition to such records as are specifically required by this Act, every operator of a coal or other mine shall establish and maintain such records, make such reports, and provide such information, as the Secretary or the Secretary of Health, Education, and Welfare may reasonably require from time to time to enable him to perform his functions under this Act. The Secretary or the Secretary of Health, Education, and Welfare is authorized to compile, analyze, and publish, either in summary or detailed form, such reports or information so obtained. Except to the extent otherwise specifically provided by this Act, all records, information, reports, findings, citations, notices, orders, or decisions required or issued pursuant to or under this Act may be published from time to time, may be released to any interested person, and shall be made available for public inspection.

Records and
reports,
maintenance.

Compilation and
publication.

Availability to
public.

“(i) Whenever the Secretary finds that a coal or other mine liberates excessive quantities of methane or other explosive gases during its operations, or that a methane or other gas ignition or explosion has occurred in such mine which resulted in death or serious injury at any time during the previous five years, or that there exists in such mine some other especially hazardous condition, he shall provide a minimum of one spot inspection by his authorized representative of all or part of such mine during every five working days at irregular intervals. For purposes of this subsection, ‘liberation of excessive quantities of methane or other explosive gases’ shall mean liberation of more than one million cubic feet of methane or other explosive gases during a 24-hour period. When the Secretary finds that a coal or other mine liberates more than five hundred thousand cubic feet of methane or

Spot inspections.

“Liberation of
excessive
quantities of
methane or other
explosive gases.”

other explosive gases during a 24-hour period, he shall provide a minimum of one spot inspection by his authorized representative of all or part of such mine every 10 working days at irregular intervals. When the Secretary finds that a coal or other mine liberates more than two hundred thousand cubic feet of methane or other explosive gases during a 24-hour period, he shall provide a minimum of one spot inspection by his authorized representative of all or part of such mine every 15 working days at irregular intervals.

Accidents,
notification.
Evidence.

Rescue and
recovery
activities.

“(j) In the event of any accident occurring in any coal or other mine, the operator shall notify the Secretary thereof and shall take appropriate measures to prevent the destruction of any evidence which would assist in investigating the cause or causes thereof. In the event of any accident occurring in a coal or other mine, where rescue and recovery work is necessary, the Secretary or an authorized representative of the Secretary shall take whatever action he deems appropriate to protect the life of any person, and he may, if he deems it appropriate, supervise and direct the rescue and recovery activities in such mine.

Safety orders.
Recovery plan,
approval.
Consultation.

“(k) In the event of any accident occurring in a coal or other mine, an authorized representative of the Secretary, when present, may issue such orders as he deems appropriate to insure the safety of any person in the coal or other mine, and the operator of such mine shall obtain the approval of such representative, in consultation with appropriate State representatives, when feasible, of any plan to recover any person in such mine or to recover the coal or other mine or return affected areas of such mine to normal.

“CITATIONS AND ORDERS

30 USC 814.

“SEC. 104. (a) If, upon inspection or investigation, the Secretary or his authorized representative believes that an operator of a coal or other mine subject to this Act has violated this Act, or any mandatory health or safety standard, rule, order, or regulation promulgated pursuant to this Act, he shall, with reasonable promptness, issue a citation to the operator. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the Act, standard, rule, regulation, or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. The requirement for the issuance of a citation with reasonable promptness shall not be a jurisdictional prerequisite to the enforcement of any provision of this Act.

Follow-up
inspection,
findings.

“(b) If, upon any follow-up inspection of a coal or other mine, an authorized representative of the Secretary finds (1) that a violation described in a citation issued pursuant to subsection (a) has not been totally abated within the period of time as originally fixed therein or as subsequently extended, and (2) that the period of time for the abatement should not be further extended, he shall determine the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to immediately cause all persons, except those persons referred to in subsection (c), to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such violation has been abated.

“(c) The following persons shall not be required to be withdrawn from, or prohibited from entering, any area of the coal or other mine subject to an order issued under this section: Exempt persons.

“(1) any person whose presence in such area is necessary, in the judgment of the operator or an authorized representative of the Secretary, to eliminate the condition described in the order;

“(2) any public official whose official duties require him to enter such area;

“(3) any representative of the miners in such mine who is, in the judgment of the operator or an authorized representative of the Secretary, qualified to make such mine examinations or who is accompanied by such a person and whose presence in such area is necessary for the investigation of the conditions described in the order; and

“(4) any consultant to any of the foregoing.

“(d) (1) If, upon any inspection of a coal or other mine, an authorized representative of the Secretary finds that there has been a violation of any mandatory health or safety standard, and if he also finds that, while the conditions created by such violation do not cause imminent danger, such violation is of such nature as could significantly and substantially contribute to the cause and effect of a coal or other mine safety or health hazard, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with such mandatory health or safety standards, he shall include such finding in any citation given to the operator under this Act. If, during the same inspection or any subsequent inspection of such mine within 90 days after the issuance of such citation, an authorized representative of the Secretary finds another violation of any mandatory health or safety standard and finds such violation to be also caused by an unwarrantable failure of such operator to so comply, he shall forthwith issue an order requiring the operator to cause all persons in the area affected by such violation, except those persons referred to in subsection (c) to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such violation has been abated.

Violations,
findings.

Withdrawal
orders.

“(2) If a withdrawal order with respect to any area in a coal or other mine has been issued pursuant to paragraph (1), a withdrawal order shall promptly be issued by an authorized representative of the Secretary who finds upon any subsequent inspection the existence in such mine of violations similar to those that resulted in the issuance of the withdrawal order under paragraph (1) until such time as an inspection of such mine discloses no similar violations. Following an inspection of such mine which discloses no similar violations, the provisions of paragraph (1) shall again be applicable to that mine.

“(e) (1) If an operator has a pattern of violations of mandatory health or safety standards in the coal or other mine which are of such nature as could have significantly and substantially contributed to the cause and effect of coal or other mine health or safety hazards, he shall be given written notice that such pattern exists. If, upon any inspection within 90 days after the issuance of such notice, an authorized representative of the Secretary finds any violation of a mandatory health or safety standard which could significantly and substantially contribute to the cause and effect of a coal or other mine safety or health hazard, the authorized representative shall issue an order requiring the operator to cause all persons in the area affected by such violation, except those persons referred to in subsection (c), to be withdrawn from, and to be prohibited from entering, such area until

Pattern of
violations, notice.

Withdrawal
order.

an authorized representative of the Secretary determines that such violation has been abated.

"(2) If a withdrawal order with respect to any area in a coal or other mine has been issued pursuant to paragraph (1), a withdrawal order shall be issued by an authorized representative of the Secretary who finds upon any subsequent inspection the existence in such mine of any violation of a mandatory health or safety standard which could significantly and substantially contribute to the cause and effect of a coal or other mine health or safety hazard. The withdrawal order shall remain in effect until an authorized representative of the Secretary determines that such violation has been abated.

"(3) If, upon an inspection of the entire coal or other mine, an authorized representative of the Secretary finds no violations of mandatory health or safety standards that could significantly and substantially contribute to the cause and effect of a coal or other mine health and safety hazard, the pattern of violations that resulted in the issuance of a notice under paragraph (1) shall be deemed to be terminated and the provisions of paragraphs (1) and (2) shall no longer apply. However, if as a result of subsequent violations, the operator reestablishes a pattern of violations, paragraphs (1) and (2) shall again be applicable to such operator.

"(4) The Secretary shall make such rules as he deems necessary to establish criteria for determining when a pattern of violations of mandatory health or safety standards exists.

"(f) If, based upon samples taken, analyzed, and recorded pursuant to section 202(a), or samples taken during an inspection by an authorized representative of the Secretary, the applicable limit on the concentration of respirable dust required to be maintained under this Act is exceeded and thereby violated, the Secretary or his authorized representative shall issue a citation fixing a reasonable time for the abatement of the violation. During such time, the operator of the mine shall cause samples described in section 202(a) to be taken of the affected area during each production shift. If, upon the expiration of the period of time as originally fixed or subsequently extended, the Secretary or his authorized representative finds that the period of time should not be further extended, he shall determine the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to cause immediately all persons, except those referred to in subsection (c), to be withdrawn from, and to be prohibited from entering, such area until the Secretary or his authorized representative has reason to believe, based on actions taken by the operator, that such limit will be complied with upon the resumption of production in such mine. As soon as possible after an order is issued, the Secretary, upon request of the operator, shall dispatch to the mine involved a person, or team of persons, to the extent such persons are available, who are knowledgeable in the methods and means of controlling and reducing respirable dust. Such person or team of persons shall remain at the mine involved for such time as they shall deem appropriate to assist the operator in reducing respirable dust concentrations. While at the mine, such persons may require the operator to take such actions as they deem appropriate to insure the health of any person in the coal or other mine.

"(g) (1) If, upon any inspection or investigation pursuant to section 103 of this Act, the Secretary or an authorized representative shall find employed at a coal or other mine a miner who has not received the requisite safety training as determined under section 115 of this Act,

Pattern of violations, criteria, rules.
Respirable dust concentrations.
Violations, citation, issuance.
30 USC 842.

Samples.

Withdrawal orders.

Dust control person or team.

Untrained miner, withdrawal, order.

the Secretary or an authorized representative shall issue an order under this section which declares such miner to be a hazard to himself and to others, and requiring that such miner be immediately withdrawn from the coal or other mine, and be prohibited from entering such mine until an authorized representative of the Secretary determines that such miner has received the training required by section 115 of this Act.

“(2) No miner who is ordered withdrawn from a coal or other mine under paragraph (1) shall be discharged or otherwise discriminated against because of such order; and no miner who is ordered withdrawn from a coal or other mine under paragraph (1) shall suffer a loss of compensation during the period necessary for such miner to receive such training and for an authorized representative of the Secretary to determine that such miner has received the requisite training.

Withdrawn
miner, non-
discrimination.

“(h) Any citation or order issued under this section shall remain in effect until modified, terminated or vacated by the Secretary or his authorized representative, or modified, terminated or vacated by the Commission or the courts pursuant to section 105 or 106.

“PROCEDURE FOR ENFORCEMENT

“SEC. 105. (a) If, after an inspection or investigation, the Secretary issues a citation or order under section 104, he shall, within a reasonable time after the termination of such inspection or investigation, notify the operator by certified mail of the civil penalty proposed to be assessed under section 110(a) for the violation cited and that the operator has 30 days within which to notify the Secretary that he wishes to contest the citation or proposed assessment of penalty. A copy of such notification shall be sent by mail to the representative of miners in such mine. If, within 30 days from the receipt of the notification issued by the Secretary, the operator fails to notify the Secretary that he intends to contest the citation or the proposed assessment of penalty, and no notice is filed by any miner or representative of miners under subsection (d) of this section within such time, the citation and the proposed assessment of penalty shall be deemed a final order of the Commission and not subject to review by any court or agency. Refusal by the operator or his agent to accept certified mail containing a citation and proposed assessment of penalty under this subsection shall constitute receipt thereof within the meaning of this subsection.

Penalty, citation
or order,
notification.
Contestation.
30 USC 815.

Copy.

“(b) (1) (A) If the Secretary has reason to believe that an operator has failed to correct a violation for which a citation has been issued within the period permitted for its correction, the Secretary shall notify the operator by certified mail of such failure and of the penalty proposed to be assessed under section 110(b) by reason of such failure and that the operator has 30 days within which to notify the Secretary that he wishes to contest the Secretary's notification of the proposed assessment of penalty. A copy of such notification of the proposed assessment of penalty shall at the same time be sent by mail to the representative of the mine employees. If, within 30 days from the receipt of notification of proposed assessment of penalty issued by the Secretary, the operator fails to notify the Secretary that he intends to contest the notification of proposed assessment of penalty, such notification shall be deemed a final order of the Commission and not subject to review by any court or agency. Refusal by the operator or his agent to accept certified mail containing a notification of proposed assessment

Violation
correction,
failure.
Notification.

Copy.

of penalty issued under this subsection shall constitute receipt thereof within the meaning of this subsection.

Penalty
determination.

"(B) In determining whether to propose a penalty to be assessed under section 110(b), the Secretary shall consider the operator's history of previous violations, the appropriateness of such penalty to the size of the business of the operator charged, whether the operator was negligent, the effect on the operator's ability to continue in business, the gravity of the violation, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of a violation.

Temporary relief
request, filing.

"(2) An applicant may file with the Commission a written request that the Commission grant temporary relief from any modification or termination of any order or from any order issued under section 104 together with a detailed statement giving the reasons for granting such relief. The Commission may grant such relief under such conditions as it may prescribe, if—

Hearing.

"(A) a hearing has been held in which all parties were given an opportunity to be heard;

"(B) the applicant shows that there is substantial likelihood that the findings of the Commission will be favorable to the applicant; and

"(C) such relief will not adversely affect the health and safety of miners.

No temporary relief shall be granted in the case of a citation issued under subsection (a) or (f) of section 104. The Commission shall provide a procedure for expedited consideration of applications for temporary relief under this paragraph.

Discrimination or
interference,
prohibition.

"(c) (1) No person shall discharge or in any manner discriminate against or cause to be discharged or cause discrimination against or otherwise interfere with the exercise of the statutory rights of any miner, representative of miners or applicant for employment in any coal or other mine subject to this Act because such miner, representative of miners or applicant for employment has filed or made a complaint under or related to this Act, including a complaint notifying the operator or the operator's agent, or the representative of the miners at the coal or other mine of an alleged danger or safety or health violation in a coal or other mine, or because such miner, representative of miners or applicant for employment is the subject of medical evaluations and potential transfer under a standard published pursuant to section 101 or because such miner, representative of miners or applicant for employment has instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding, or because of the exercise by such miner, representative of miners or applicant for employment on behalf of himself or others of any statutory right afforded by this Act.

Complaint, filing.

"(2) Any miner or applicant for employment or representative of miners who believes that he has been discharged, interfered with, or otherwise discriminated against by any person in violation of this subsection may, within 60 days after such violation occurs, file a complaint with the Secretary alleging such discrimination. Upon receipt of such complaint, the Secretary shall forward a copy of the complaint to the respondent and shall cause such investigation to be made as he deems appropriate. Such investigation shall commence within 15 days of the Secretary's receipt of the complaint, and if the Secretary finds that such complaint was not frivolously brought, the Commission, on an expedited basis upon application of the Secretary, shall order the immediate reinstatement of the miner pending final order on the com-

Copy.
Investigation.

plaint. If upon such investigation, the Secretary determines that the provisions of this subsection have been violated, he shall immediately file a complaint with the Commission, with service upon the alleged violator and the miner, applicant for employment, or representative of miners alleging such discrimination or interference and propose an order granting appropriate relief. The Commission shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section) and thereafter shall issue an order, based upon findings of fact, affirming, modifying, or vacating the Secretary's proposed order, or directing other appropriate relief. Such order shall become final 30 days after its issuance. The Commission shall have authority in such proceedings to require a person committing a violation of this subsection to take such affirmative action to abate the violation as the Commission deems appropriate, including, but not limited to, the rehiring or reinstatement of the miner to his former position with back pay and interest. The complaining miner, applicant, or representative of miners may present additional evidence on his own behalf during any hearing held pursuant to his paragraph.

"(3) Within 90 days of the receipt of a complaint filed under paragraph (2), the Secretary shall notify, in writing, the miner, applicant for employment, or representative of miners of his determination whether a violation has occurred. If the Secretary, upon investigation, determines that the provisions of this subsection have not been violated, the complainant shall have the right, within 30 days of notice of the Secretary's determination, to file an action in his own behalf before the Commission, charging discrimination or interference in violation of paragraph (1). The Commission shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section), and thereafter shall issue an order, based upon findings of fact, dismissing or sustaining the complainant's charges and, if the charges are sustained, granting such relief as it deems appropriate, including, but not limited to, an order requiring the rehiring or reinstatement of the miner to his former position with back pay and interest or such remedy as may be appropriate. Such order shall become final 30 days after its issuance. Whenever an order is issued sustaining the complainant's charges under this subsection, a sum equal to the aggregate amount of all costs and expenses (including attorney's fees) as determined by the Commission to have been reasonably incurred by the miner, applicant for employment or representative of miners for, or in connection with, the institution and prosecution of such proceedings shall be assessed against the person committing such violation. Proceedings under this section shall be expedited by the Secretary and the Commission. Any order issued by the Commission under this paragraph shall be subject to judicial review in accordance with section 106. Violations by any person of paragraph (1) shall be subject to the provisions of sections 108 and 110(a).

"(d) If, within 30 days of receipt thereof, an operator of a coal or other mine notifies the Secretary that he intends to contest the issuance or modification of an order issued under section 104, or citation or a notification of proposed assessment of a penalty issued under subsection (a) or (b) of this section, or the reasonableness of the length of abatement time fixed in a citation or modification thereof issued under section 104, or any miner or representative of miners notifies the Secretary of an intention to contest the issuance, modification, or termination of any order issued under section 104, or the reasonable-

Complaint, filing
with Commission.

Hearing.
Findings, order.
Relief.

Violations.
Determination,
notification.

Hearing.
Findings, order.
Relief.

Proceedings
expenses,
assessment.

Judicial review.

Contestations,
advisement to
Commission.
Hearing.
Findings, order.
Relief.

**Participation,
procedures.**

ness of the length of time set for abatement by a citation or modification thereof issued under section 104, the Secretary shall immediately advise the Commission of such notification, and the Commission shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a) (3) of such section), and thereafter shall issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's citation, order, or proposed penalty, or directing other appropriate relief. Such order shall become final 30 days after its issuance. The rules of procedure prescribed by the Commission shall provide affected miners or representatives of affected miners an opportunity to participate as parties to hearings under this section. The Commission shall take whatever action is necessary to expedite proceedings for hearing appeals of orders issued under section 104.

"JUDICIAL REVIEW**Petition, filing.
30 USC 816.****Copy.****Jurisdiction.****Findings.****Modified or new
findings, filing.**

"SEC. 106. (a) (1) Any person adversely affected or aggrieved by an order of the Commission issued under this Act may obtain a review of such order in any United States court of appeals for the circuit in which the violation is alleged to have occurred or in the United States Court of Appeals for the District of Columbia Circuit, by filing in such court within 30 days following the issuance of such order a written petition praying that the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission and to the other parties, and thereupon the Commission shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have exclusive jurisdiction of the proceeding and of the questions determined therein, and shall have the power to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside, in whole or in part, the order of the Commission and enforcing the same to the extent that such order is affirmed or modified. No objection that has not been urged before the Commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The Commission may modify or set aside its original order by reason of such modified or new findings of fact. Upon the filing of the record after such remand proceedings, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

“(2) In the case of a proceeding to review any order or decision issued by the Commission under this Act, except an order or decision pertaining to an order issued under section 107(a) or an order or decision pertaining to a citation issued under section 104 (a) or (f), the court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceeding, if—

Temporary relief.

“(A) all parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief;

Notice and hearing.

“(B) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding; and

“(C) such relief will not adversely affect the health and safety of miners in the coal or other mine.

“(3) In the case of a proceeding to review any order or decision issued by the Panel under this Act, the court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceeding, if—

Temporary relief.

“(A) all parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief; and

Notice and hearing.

“(B) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding.

“(b) The Secretary may also obtain review or enforcement of any final order of the Commission by filing a petition for such relief in the United States court of appeals for the circuit in which the alleged violation occurred or in the Court of Appeals for the District of Columbia Circuit, and the provisions of subsection (a) shall govern such proceedings to the extent applicable. If no petition for review, as provided in subsection (a), is filed within 30 days after issuance of the Commission's order, the Commission's findings of fact and order shall be conclusive in connection with any petition for enforcement which is filed by the Secretary after the expiration of such 30-day period. In any such case, as well as in the case of a noncontested citation or notification by the Secretary which has become a final order of the Commission under subsection (a) or (b) of section 105, the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary and the operator named in the petition. In any contempt proceeding brought to enforce a decree of a court of appeals entered pursuant to this subsection or subsection (a), the court of appeals may assess the penalties provided in section 110, in addition to invoking any other available remedies.

Petition for relief.

Enforcement decree, copy.

“(c) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the order or decision of the Commission or the Panel.

“PROCEDURES TO COUNTERACT DANGEROUS CONDITIONS

“SEC. 107. (a) If, upon any inspection or investigation of a coal or other mine which is subject to this Act, an authorized representative of the Secretary finds that an imminent danger exists, such representative shall determine the extent of the area of such mine throughout which the danger exists, and issue an order requiring the operator of such mine to cause all persons, except those referred to in section 104

Withdrawal order.
30 USC 817.

Notice to mine operators. Copy, filing.	(c), to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such imminent danger and the conditions or practices which caused such imminent danger no longer exist. The issuance of an order under this subsection shall not preclude the issuance of a citation under section 104 or the proposing of a penalty under section 110.
Further investigation.	“(b) (1) If, upon any inspection of a coal or other mine, an authorized representative of the Secretary finds (A) that conditions exist therein which have not yet resulted in an imminent danger, (B) that such conditions cannot be effectively abated through the use of existing technology, and (C) that reasonable assurance cannot be provided that the continuance of mining operations under such conditions will not result in an imminent danger, he shall determine the area throughout which such conditions exist, and thereupon issue a notice to the operator of the mine or his agent of such conditions, and shall file a copy thereof, incorporating his findings therein, with the Secretary and with the representative of the miners of such mine. Upon receipt of such copy, the Secretary shall cause such further investigation to be made as he deems appropriate, including an opportunity for the operator or a representative of the miners to present information relating to such notice.
Public hearing. Findings, decision.	“(2) Upon the conclusion of an investigation pursuant to paragraph (1), and an opportunity for a public hearing upon request by any interested party, the Secretary shall make findings of fact, and shall by decision incorporating such findings therein, either cancel the notice issued under this subsection or issue an order requiring the operator of such mine to cause all persons in the area affected, except those persons referred to in subsection (c) of section 104 to be withdrawn from, and be prohibited from entering, such area until the Secretary, after a public hearing affording all interested persons an opportunity to present their views, determines that such conditions have been abated. Any hearing under this paragraph shall be of record and shall be subject to section 554 of title 5 of the United States Code.
Orders, contents.	“(c) Orders issued pursuant to subsection (a) shall contain a detailed description of the conditions or practices which cause and constitute an imminent danger and a description of the area of the coal or other mine from which persons must be withdrawn and prohibited from entering.
	“(d) Each finding made and order issued under this section shall be given promptly to the operator of the coal or other mine to which it pertains by the person making such finding or order, and all of such findings and orders shall be in writing, and shall be signed by the person making them. Any order issued pursuant to subsection (a) may be modified or terminated by an authorized representative of the Secretary. Any order issued under subsection (a) or (b) shall remain in effect until vacated, modified, or terminated by the Secretary, or modified or vacated by the Commission pursuant to subsection (e), or by the courts pursuant to section 106 (a).
Relief from orders, application.	“(e) (1) Any operator notified of an order under this section or any representative of miners notified of the issuance, modification, or termination of such an order may apply to the Commission within 30 days of such notification for reinstatement, modification or vacation of such order. The Commission shall forthwith afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a) (3) of such section) and
Hearing. Order.	

thereafter shall issue an order, based upon findings of fact, vacating, affirming, modifying, or terminating the Secretary's order. The Commission and the courts may not grant temporary relief from the issuance of any order under subsection (a).

"(2) The Commission shall take whatever action is necessary to expedite proceedings under this subsection.

"INJUNCTIONS

"SEC. 108. (a) (1) The Secretary may institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which a coal or other mine is located or in which the operator of such mine has his principal office, whenever such operator or his agent— 30 USC 818.

"(A) violates or fails or refuses to comply with any order or decision issued under this Act,

"(B) interferes with, hinders, or delays the Secretary or his authorized representative, or the Secretary of Health, Education, and Welfare or his authorized representative, in carrying out the provisions of this Act,

"(C) refuses to admit such representatives to the coal or other mine,

"(D) refuses to permit the inspection of the coal or other mine, or the investigation of an accident or occupational disease occurring in, or connected with, such mine,

"(E) refuses to furnish any information or report requested by the Secretary or the Secretary of Health, Education, and Welfare in furtherance of the provisions of this Act, or

"(F) refuses to permit access to, and copying of, such records as the Secretary or the Secretary of Health, Education, and Welfare determines necessary in carrying out the provisions of this Act.

"(2) The Secretary may institute a civil action for relief, including permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the coal or other mine is located or in which the operator of such mine has his principal office whenever the Secretary believes that the operator of a coal or other mine is engaged in a pattern of violation of the mandatory health or safety standards of this Act, which in the judgment of the Secretary constitutes a continuing hazard to the health or safety of miners.

"(b) In any action brought under subsection (a), the court shall have jurisdiction to provide such relief as may be appropriate. In the case of an action under subsection (a) (2), the court shall in its order require such assurance or affirmative steps as it deems necessary to assure itself that the protection afforded to miners under this Act shall be provided by the operator. Temporary restraining orders shall be issued in accordance with rule 65 of the Federal Rules of Civil Procedure, as amended, except that the time limit in such orders, when issued without notice, shall be seven days from the date of entry. Except as otherwise provided herein, any relief granted by the court to enforce any order under paragraph (1) of subsection (a) shall continue in effect until the completion or final termination of all proceedings for review of such order under this title, unless prior thereto, the district court granting such relief sets it aside or modifies it. In any

28 USC app.

action instituted under this section to enforce an order or decision issued by the Commission or the Secretary after a public hearing in accordance with section 554 of title 5 of the United States Code, the findings of the Commission or the Secretary, as the case may be, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

“POSTING OF ORDERS AND DECISIONS

Mine office.
30 USC 819.
Bulletin board,
maintenance.

“SEC. 109. (a) At each coal or other mine there shall be maintained an office with a conspicuous sign designating it as the office of such mine. There shall be a bulletin board at such office or located at a conspicuous place near an entrance of such mine, in such manner that orders, citations, notices and decisions required by law or regulation to be posted, may be posted thereon, and be easily visible to all persons desiring to read them, and be protected against damage by weather and against unauthorized removal. A copy of any order, citation, notice or decision required by this Act to be given to an operator shall be delivered to the office of the affected mine, and a copy shall be immediately posted on the bulletin board of such mine by the operator or his agent.

Distribution.

“(b) The Secretary shall (1) cause a copy of any order, citation, notice, or decision required by this Act to be given to an operator to be mailed immediately to a representative of the miners in the affected coal or other mine, and (2) cause a copy thereof to be mailed to the public official or agency of the State charged with administering State laws, if any, relating to health or safety in such mine. Such notice, order, citation, or decision shall be available for public inspection.

Availability for
public inspection.
Compliance.

“(c) In order to insure prompt compliance with any notice, order, citation, or decision issued under this Act, the authorized representative of the Secretary may deliver such notice, order, citation, or decision to an agent of the operator, and such agent shall immediately take appropriate measures to insure compliance with such notice, order, citation, or decision.

Mine operators,
filing.

“(d) Each operator of a coal or other mine subject to this Act shall file with the Secretary the name and address of such mine and the name and address of the person who controls or operates the mine. Any revisions in such names or addresses shall be promptly filed with the Secretary. Each operator of a coal or other mine subject to this Act shall designate a responsible official at such mine as the principal officer in charge of health and safety at such mine, and such official shall receive a copy of any notice, order, citation, or decision issued under this Act affecting such mine. In any case where the mine is subject to the control of any person not directly involved in the daily operations of the coal or other mine, there shall be filed with the Secretary the name and address of such person and the name and address of a principal official of such person who shall have overall responsibility for the conduct of an effective health and safety program at any coal or other mine subject to the control of such person, and such official shall receive a copy of any notice, order, citation, or decision issued affecting any such mine. The mere designation of a health and safety official under this subsection shall not be construed as making such official subject to any penalty under this Act.

Health and safety
officers,
designation.

"PENALTIES

"SEC. 110. (a) The operator of a coal or other mine in which a violation occurs of a mandatory health or safety standard or who violates any other provision of this Act, shall be assessed a civil penalty by the Secretary which penalty shall not be more than \$10,000 for each such violation. Each occurrence of a violation of a mandatory health or safety standard may constitute a separate offense. 30 USC 820.

"(b) Any operator who fails to correct a violation for which a citation has been issued under section 104(a) within the period permitted for its correction may be assessed a civil penalty of not more than \$1,000 for each day during which such failure or violation continues.

"(c) Whenever a corporate operator violates a mandatory health or safety standard or knowingly violates or fails or refuses to comply with any order issued under this Act or any order incorporated in a final decision issued under this Act, except an order incorporated in a decision issued under subsection (a) or section 105(c), any director, officer, or agent of such corporation who knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under subsections (a) and (d).

"(d) Any operator who willfully violates a mandatory health or safety standard, or knowingly violates or fails or refuses to comply with any order issued under section 104 and section 107, or any order incorporated in a final decision issued under this title, except an order incorporated in a decision under subsection (a) or section 105(c), shall, upon conviction, be punished by a fine of not more than \$25,000, or by imprisonment for not more than one year, or by both, except that if the conviction is for a violation committed after the first conviction of such operator under this Act, punishment shall be by a fine of not more than \$50,000, or by imprisonment for not more than five years, or both.

"(e) Unless otherwise authorized by this Act, any person who gives advance notice of any inspection to be conducted under this Act shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months, or both.

"(f) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than five years, or both.

"(g) Any miner who willfully violates the mandatory safety standards relating to smoking or the carrying of smoking materials, matches, or lighters shall be subject to a civil penalty assessed by the Commission, which penalty shall not be more than \$250 for each occurrence of such violation.

"(h) Whoever knowingly distributes, sells, offers for sale, introduces, or delivers in commerce any equipment for use in a coal or other mine, including, but not limited to, components and accessories of such equipment, which is represented as complying with the provisions of this Act, or with any specification or regulation of the Secretary applicable to such equipment, and which does not so comply, shall, upon conviction, be subject to the same fine and imprisonment that may be imposed upon a person under subsection (f) of this section.

"(i) The Commission shall have authority to assess all civil penalties provided in this Act. In assessing civil monetary penalties, the Commission shall consider the operator's history of previous violations, Assessment authority.

- the appropriateness of such penalty to the size of the business of the operator charged, whether the operator was negligent, the effect on the operator's ability to continue in business, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of a violation. In proposing civil penalties under this Act, the Secretary may rely upon a summary review of the information available to him and shall not be required to make findings of fact concerning the above factors.
- Summary review.**
- Payment.** "(j) Civil penalties owed under this Act shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil action in the name of the United States brought in the United States district court for the district where the violation occurred or where the operator has its principal office. Interest at the rate of 8 percent per annum shall be charged against a person on any final order of the Commission, or the court. Interest shall begin to accrue 30 days after the issuance of such order.
- Interest rate.** "(k) No proposed penalty which has been contested before the Commission under section 105(a) shall be compromised, mitigated, or settled except with the approval of the Commission. No penalty assessment which has become a final order of the Commission shall be compromised, mitigated, or settled except with the approval of the court.
- 30 USC 901.** "(l) The provisions of this section shall not be applicable with respect to title IV of this Act.

"ENTITLEMENT OF MINERS

- Compensation.** "SEC. 111. If a coal or other mine or area of such mine is closed by an order issued under section 103, section 104, or section 107, all miners working during the shift when such order was issued who are idled by such order shall be entitled, regardless of the result of any review of such order, to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than the balance of such shift. If such order is not terminated prior to the next working shift, all miners on that shift who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than four hours of such shift. If a coal or other mine or area of such mine is closed by an order issued under section 104 or section 107 of this title for a failure of the operator to comply with any mandatory health or safety standards, all miners who are idled due to such order shall be fully compensated after all interested parties are given an opportunity for a public hearing, which shall be expedited in such cases, and after such order is final, by the operator for lost time at their regular rates of pay for such time as the miners are idled by such closing, or for one week, whichever is the lesser. Whenever an operator violates or fails or refuses to comply with any order issued under section 103, section 104, or section 107 of this Act, all miners employed at the affected mine who would have been withdrawn from, or prevented from entering, such mine or area thereof as a result of such order shall be entitled to full compensation by the operator at their regular rates of pay, in addition to pay received for work performed after such order was issued, for the period beginning when such order was issued and ending when such order is complied with, vacated, or terminated.
- Public hearing.** The Commission shall have authority to order compensation due under this section upon the filing of a complaint by a miner or his representative and after opportunity for hearing subject to section 554 of title 5, United States Code.
- Complaint, filing.**

“ADMINISTRATIVE PROVISIONS

“Sec. 112. Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General.

Litigation.
30 USC 822.

“THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

“Sec. 113. (a) The Federal Mine Safety and Health Review Commission is hereby established. The Commission shall consist of five members, appointed by the President by and with the advice and consent of the Senate, from among persons who by reason of training, education, or experience are qualified to carry out the functions of the Commission under this Act. The President shall designate one of the members of the Commission to serve as Chairman.

Establishment.
30 USC 823.
Membership.

Chairman.

“(b) (1) The terms of the members of the Commission shall be six years, except that—

Term.

“(A) members of the Commission first taking office after the date of enactment of the Federal Mine Safety and Health Amendments Act of 1977, shall serve, as designated by the President at the time of appointment, one for a term of two years, two for a term of four years and two for a term of six years; and

“(B) a vacancy caused by the death, resignation, or removal of any member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term.

Vacancies.

Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

“(2) The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission. The Commission shall appoint such employees as it deems necessary to assist in the performance of the Commission's functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and general pay rates. Upon the effective date of the Federal Mine Safety and Health Amendments Act of 1977, the administrative law judges assigned to the Arlington, Virginia, facility of the Office of Hearings and Appeals, United States Department of the Interior, shall be automatically transferred in grade and position to the Federal Mine Safety and Health Review Commission. Notwithstanding the provisions of section 559 of title 5 of the United States Code, the incumbent Chief Administrative Law Judge of the Office of Hearings and Appeals of the Department of the Interior assigned to the Arlington, Virginia facility shall have the option, on the effective date of the Federal Mine Safety and Health Amendments Act of 1977, of transferring to the Commission as an administrative law judge, in the same grade and position as the other administrative law judges. The administrative law judges (except those presiding over Indian Probate Matters) assigned to the Western facilities of the Office of Hearings and Appeals of the Department of the Interior shall remain with that Department at their present grade and position or they shall have the right to transfer on an equivalent basis to that extended in this paragraph to the Arlington, Virginia administrative law judges in accordance with procedures established by the Civil Service Commission. The Commission shall appoint such additional administrative law judges as it deems necessary to carry out the functions of the Commis-

Administrative
operations.

5 USC 5101,
5331.
Administrative
law judges,
transfers.

Appointments.

Compensation.	sion. Assignment, removal, and compensation of administrative law judges shall be in accordance with sections 3105, 3344, 5362 and 7521 of title 5, United States Code.
Delegation of powers.	“(c) The Commission is authorized to delegate to any group of three or more members any or all of the powers of the Commission, except that two members shall constitute a quorum of any group designated pursuant to this paragraph.
Proceedings, disposition.	“(d) (1) An administrative law judge appointed by the Commission to hear matters under this Act shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, assigned to such administrative law judge by the chief administrative law judge of the Commission or by the Commission, and shall make a decision which constitutes his final disposition of the proceedings. The decision of the administrative law judge of the Commission shall become the final decision of the Commission 40 days after its issuance unless within such period the Commission has directed that such decision shall be reviewed by the Commission in accordance with paragraph (2). An administrative law judge shall not be assigned to prepare a recommended decision under this Act.
Review of decisions, rules of procedure.	“(2) The Commission shall prescribe rules of procedure for its review of the decisions of administrative law judges in cases under this Act which shall meet the following standards for review:
Discretionary review petition, filing.	“(A) (i) Any person adversely affected or aggrieved by a decision of an administrative law judge, may file and serve a petition for discretionary review by the Commission of such decision within 30 days after the issuance of such decision. Review by the Commission shall not be a matter of right but of the sound discretion of the Commission.
	“(ii) Petitions for discretionary review shall be filed only upon one or more of the following grounds:
	“(I) A finding or conclusion of material fact is not supported by substantial evidence.
	“(II) A necessary legal conclusion is erroneous.
	“(III) The decision is contrary to law or to the duly promulgated rules or decisions of the Commission.
	“(IV) A substantial question of law, policy or discretion is involved.
	“(V) A prejudicial error of procedure was committed.
	“(iii) Each issue shall be separately numbered and plainly and concisely stated, and shall be supported by detailed citations to the record when assignments of error are based on the record, and by statutes, regulations, or principal authorities relied upon. Except for good cause shown, no assignment of error by any party shall rely on any question of fact or law upon which the administrative law judge had not been afforded an opportunity to pass. Review by the Commission shall be granted only by affirmative vote of two of the Commissioners present and voting. If granted, review shall be limited to the questions raised by the petition.
	“(B) At any time within 30 days after the issuance of a decision of an administrative law judge, the Commission may in its discretion (by affirmative vote of two of the Commissioners present and voting) order the case before it for review but only upon the ground that the decision may be contrary to law or Commission policy, or that a novel question of policy has been presented. The Commission shall state in such order the specific issue of law, Commission policy, or novel question of policy involved. If a party's petition for discretionary review has been granted, the Commission shall not raise or consider additional issues

in such review proceedings except in compliance with the requirements of this paragraph.

“(C) For the purpose of review by the Commission under paragraph (A) or (B) of this subsection, the record shall include: (i) all matters constituting the record upon which the decision of the administrative law judge was based; (ii) the rulings upon proposed findings and conclusions; (iii) the decision of the administrative law judge; (iv) the petition or petitions for discretionary review, responses thereto, and the Commission’s order for review; and (v) briefs filed on review. No other material shall be considered by the Commission upon review. The Commission either may remand the case to the administrative law judge for further proceedings as it may direct or it may affirm, set aside, or modify the decision or order of the administrative law judge in conformity with the record. If the Commission determines that further evidence is necessary on an issue of fact it shall remand the case for further proceedings before the administrative law judge.

(The provisions of section 557(b) of title 5, United States Code, with regard to the review authority of the Commission are hereby expressly superseded to the extent that they are inconsistent with the provisions of subparagraphs (A), (B), and (C) of this paragraph.)

“(e) In connection with hearings before the Commission or its administrative law judges under this Act, the Commission and its administrative law judges may compel the attendance and testimony of witnesses and the production of books, papers, or documents, or objects, and order testimony to be taken by deposition at any stage of the proceedings before them. Any person may be compelled to appear and depose and produce similar documentary or physical evidence, in the same manner as witnesses may be compelled to appear and produce evidence before the Commission and its administrative law judges. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States and at depositions ordered by such courts. In case of contumacy, failure, or refusal of any person to obey a subpoena or order of the Commission or an administrative law judge, respectively, to appear, to testify, or to produce documentary or physical evidence, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides, or transacts business, shall, upon the application of the Commission, or the administrative law judge, respectively, have jurisdiction to issue to such person an order requiring such person to appear, to testify, or to produce evidence as ordered by the Commission or the administrative law judge, respectively, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

Record, contents.

Witnesses and evidence.

Compensation.

Subpoenas.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 114. There are authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this title.

30 USC 824.

“MANDATORY HEALTH AND SAFETY TRAINING

“SEC. 115. (a) Each operator of a coal or other mine shall have a health and safety training program which shall be approved by the Secretary. The Secretary shall promulgate regulations with respect to such health and safety training programs not more than 180 days

Program, approval by Secretary.
30 USC 825.
Regulations.

after the effective date of the Federal Mine Safety and Health Amendments Act of 1977. Each training program approved by the Secretary shall provide as a minimum that—

Underground training.

“(1) new miners having no underground mining experience shall receive no less than 40 hours of training if they are to work underground. Such training shall include instruction in the statutory rights of miners and their representatives under this Act, use of the self-rescue device and use of respiratory devices, hazard recognition, escapeways, walk around training, emergency procedures, basic ventilation, basic roof control, electrical hazards, first aid, and the health and safety aspects of the task to which he will be assigned;

Surface training.

“(2) new miners having no surface mining experience shall receive no less than 24 hours of training if they are to work on the surface. Such training shall include instruction in the statutory rights of miners and their representatives under this Act, use of the self-rescue device where appropriate and use of respiratory devices where appropriate, hazard recognition, emergency procedures, electrical hazards, first aid, walk around training and the health and safety aspects of the task to which he will be assigned;

Refresher training.

“(3) all miners shall receive no less than eight hours of refresher training no less frequently than once each 12 months, except that miners already employed on the effective date of the Federal Mine Safety and Health Amendments Act of 1977 shall receive this refresher training no more than 90 days after the date of approval of the training plan required by this section;

“(4) any miner who is reassigned to a new task in which he has had no previous work experience shall receive training in accordance with a training plan approved by the Secretary under this subsection in the safety and health aspects specific to that task prior to performing that task;

“(5) any training required by paragraphs (1), (2) or (4) shall include a period of training as closely related as is practicable to the work in which the miner is to be engaged.

Training compensation.

“(b) Any health and safety training provided under subsection (a) shall be provided during normal working hours. Miners shall be paid at their normal rate of compensation while they take such training, and new miners shall be paid at their starting wage rate when they take the new miner training. If such training shall be given at a location other than the normal place of work, miners shall also be compensated for the additional costs they may incur in attending such training sessions.

Training certificate.

“(c) Upon completion of each training program, each operator shall certify, on a form approved by the Secretary, that the miner has received the specified training in each subject area of the approved health and safety training plan. A certificate for each miner shall be maintained by the operator, and shall be available for inspection at the mine site, and a copy thereof shall be given to each miner at the completion of such training. When a miner leaves the operator's employ, he shall be entitled to a copy of his health and safety training certificates. False certification by an operator that training was given shall be punishable under section 110 (a) and (f); and each health and safety training certificate shall indicate on its face, in bold letters, printed in a conspicuous manner the fact that such false certification is so punishable.

Maintenance and inspection, copy.

Falsification, punishment.

“(d) The Secretary shall promulgate appropriate standards for safety and health training for coal or other mine construction workers.

Standards.

“(e) Within 180 days after the effective date of the Federal Mine Safety and Health Amendments Act of 1977, the Secretary shall publish proposed regulations which shall provide that mine rescue teams shall be available for rescue and recovery work to each underground coal or other mine in the event of an emergency. The costs of making advance arrangements for such teams shall be borne by the operator of each such mine.”.

Proposed
regulations,
publication.

AMENDMENTS WITH RESPECT TO INTERIM MANDATORY HEALTH STANDARDS

SEC. 202. (a) Section 202(e) of the Federal Coal Mine Health and Safety Act of 1969 is amended to read as follows:

Dust
concentrations.
30 USC 842.

“(e) References to concentrations of respirable dust in this title mean the average concentration of respirable dust measured with a device approved by the Secretary and the Secretary of Health, Education, and Welfare.”.

(b) Section 318(k) of the Federal Coal Mine Health and Safety Act of 1969 is repealed.

Repeal.
30 USC 878.

AMENDMENTS WITH RESPECT TO INTERIM MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

SEC. 203. (a) Title III of the Federal Coal Mine Health and Safety Act of 1969 is amended by inserting “of the Interior in coordination with the Secretary” after “Secretary” in section 301(b).

30 USC 861.

(b) Subsections (c) and (d) of section 301 of such Act are repealed.

Repeals.

TITLE III—MISCELLANEOUS PROVISIONS

TRANSFER MATTERS

SEC. 301. (a) Except with respect to the functions assigned to the Secretary of the Interior pursuant to section 501 of the Federal Coal Mine Health and Safety Act of 1969, the functions of the Secretary of the Interior under the Federal Coal Mine Health and Safety Act of 1969, as amended, and the Federal Metal and Nonmetallic Mine Safety Act are transferred to the Secretary of Labor, except those which are expressly transferred to the Commission by this Act.

30 USC 961.

30 USC 951.

30 USC 801 note.

30 USC 721 note.

(b) (1) The mandatory standards relating to mines, issued by the Secretary of the Interior under the Federal Metal and Nonmetallic Mine Safety Act and standards and regulations under the Federal Coal Mine Health and Safety Act of 1969 which are in effect on the date of enactment of this Act shall remain in effect as mandatory health or safety standards applicable to metal and nonmetallic mines and to coal mines respectively under the Federal Mine Safety and Health Act of 1977 until such time as the Secretary of Labor shall issue new or revised mandatory health or safety standards applicable to metal and nonmetallic mines and new or revised mandatory health or safety standards applicable to coal mines.

(2) Within 60 days after the date of enactment of this Act, the Secretary of Labor in consultation with the Secretary of the Interior shall establish an advisory committee under section 102 of the Federal Mine Safety and Health Act of 1977 which shall, within 180 days after the date of the establishment of such advisory committee, review the advisory health and safety standards issued by the Secretary of

Advisory
committees,
establishment.
Consultation.
Review and
recommendations.
30 USC 812.

Standards,
publication in
Federal Register.

the Interior under the Federal Metal and Nonmetallic Mine Safety Act and recommend to the Secretary of Labor which of those standards (or any modifications of such standards which do not substantially diminish the health and safety of miners) should be promulgated as mandatory health or safety standards. The Secretary of Labor shall publish, within 60 days after any recommendations of the advisory committee under this paragraph, each of the standards so recommended for adoption with or without modifications as a proposed mandatory health or safety standard under this section by publication of such standard in the Federal Register, and afford interested persons a period of 25 days after publication to submit written data or comment. Within 30 days after the close of the comment period specified in the preceding sentence, the Secretary of Labor shall promulgate by publication in the Federal Register mandatory health or safety standards based upon the advisory committee recommendation with or without modification, and the data and comments received thereon, unless the Secretary of Labor determines that such standards will not promote the health and safety of miners and publishes an explanation of that determination in the Federal Register.

Transfer of
functions.

(c) (1) All unexpended balances of appropriations, personnel, property, records, obligations, and commitments which are used primarily with respect to any functions transferred under the provisions of subsection (a) to the Secretary of Labor shall be transferred to the Department of Labor or the Commission, as appropriate. The transfer of personnel pursuant to this paragraph shall be without reduction in classification or compensation for one year after such transfer, except that the Secretary of Labor shall have full authority to assign personnel during such one-year period in order to efficiently carry out functions transferred to him under this Act.

Savings
provisions.

(2) All orders, decisions, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges (A) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this section by any department or agency, any functions of which are transferred by this section, and (B) which are in effect at the time this section takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, revoked, or repealed by the Secretary of Labor, the Federal Mine Safety and Health Review Commission or other authorized officials, by any court of competent jurisdiction, or by operation of law.

(3) The provisions of this section shall not affect any proceedings pending at the time this section takes effect before any department, agency, or component thereof, functions of which are transferred by this section, except that such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Secretary of Labor or the Federal Mine Safety and Health Review Commission. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, revoked, or repealed by the Secretary of Labor, the Federal Mine Safety and Health Review Commission, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding under the same terms and conditions and to the same extent

that such proceeding could have been discontinued if this section had not been enacted.

(4) The provisions of this section shall not affect suits commenced prior to the date this section takes effect and in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this section had not been enacted; except that if before the date on which this section takes effect, any department or agency (or officer thereof in his official capacity) is a party to a suit involving functions transferred to the Secretary, then such suit shall be continued by the Secretary of Labor. No cause of action, and no suit, action, or other proceeding, by or against any department or agency (or officer thereof in his official capacity) functions of which are transferred by this section, shall abate by reason of the enactment of this section. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or the Secretary as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this paragraph.

(d) For purposes of this section, (1) the term "function" includes power and duty, and (2) the transfer of a function, under any provision of law, of an agency or the head of a department shall also be a transfer of all functions under such law which are exercised by any officer or officer of such agency or department.

(e) The Director of the Office of Management and Budget in consultation with the Secretary of Labor and the Secretary of the Interior is authorized and directed to make such determinations as may be necessary with regard to the dispositions of personnel, personnel positions, property, records, assets, liabilities, contracts, obligations, commitments, unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, in connection with the functions transferred by this Act as he may deem necessary to accomplish the purposes of this Act.

"Function."

Determinations
by OMB Director,
consultation.

MINE SAFETY AND HEALTH ADMINISTRATION

SEC. 302. (a) There is established in the Department of Labor a Mine Safety and Health Administration to be headed by an Assistant Secretary of Labor for Mine Safety and Health appointed by the President, by and with the advice and consent of the Senate. The Secretary, acting through the Assistant Secretary for Mine Safety and Health, shall have authority to appoint, subject to the civil service laws, such officers and employees as he may deem necessary for the administration of this Act, and to prescribe powers, duties, and responsibilities of all officers and employees engaged in the administration of this Act. The Secretary is authorized and directed, except as specifically provided otherwise to carry out his functions under the Federal Mine Safety and Health Act of 1977 through the Mine Safety and Health Administration.

Establishment.
29 USC 557a.

Employees,
duties.

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following paragraphs:

"(120) Assistant Secretary of Labor for Mine Safety and Health.

"(121) Members, Federal Mine Safety and Health Review Commission."

(c) (1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

“(66) Chairman, Federal Mine Safety and Health Review Commission.”.

Office locations.
30 USC 823a.

(d) The principal office of the Commission shall be in the District of Columbia. Whenever the Commission deems that convenience of the public or the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place.

AMENDMENTS WITH RESPECT TO MINE SAFETY AND HEALTH ADMINISTRATION

Studies and
research.
30 USC 951.

SEC. 303. (a) (1) Section 501 of the Federal Coal Mine Health and Safety Act of 1969 is amended by inserting “or other” after “coal” wherever it appears therein, and by striking “coal-mining” and inserting in lieu thereof “coal or other mining” wherever it appears therein.

(2) Section 501(a) of the Federal Coal Mine Health and Safety Act of 1969 is further amended by striking “and” after the semicolon in paragraph (10), by redesignating paragraph (11) as paragraph (12), and by inserting immediately after paragraph “(10)”, the following new paragraph:

“(11) to determine, upon the written request by any operator or authorized representative of miners, specifying with reasonable particularity the grounds upon which such request is made, whether any substance normally found in a coal or other mine has potentially toxic effects in the concentrations normally found in the coal or other mine or whether any physical agents or equipment found or used in a coal or other mine has potentially hazardous effects, and shall submit such determinations to both the operators and miners as soon as possible; and”.

Duties.

(3) Section 501(b) of such Act is amended by adding after “Welfare” the following: “through the National Institute for Occupational Safety and Health established under the Occupational Safety and Health Act of 1970”; and by striking out the period at the end thereof and substituting “of the Interior in coordination with the Secretary”.

(4) Section 501(c) is amended by inserting “of the Interior” after “the Secretary” each place it occurs; and by inserting “in coordination with the Secretary” after “and Welfare” each place it occurs.

Appropriation
authorization.

(5) Section 501(e) of such Act is amended by inserting after “Secretary” the first time it occurs therein, “of the Interior” and by striking “\$30,000,000” and by inserting, in lieu thereof “\$60,000,000”.

(6) Section 501(a) of such Act is amended by striking out “The Secretary and” and inserting in lieu thereof “The Secretary of the Interior and”.

30 USC 952.

(b) Section 502 of such Act is amended by inserting “or other” immediately after “coal” each time it appears therein.

Assistance to
States.

30 USC 953.

(c) (1) Section 503 of such Act is amended by inserting “or other” immediately after “coal” each time it appears therein, and by striking “Labor” and inserting in lieu thereof, “the Interior”.

Appropriation
authorization.

(2) (A) The first sentence of section 503(h) of such Act is amended by deleting “\$5,000,000” and by inserting in lieu thereof, “\$10,000,000”.

(B) The second sentence of section 503(h) of such Act is amended by inserting before the period the following: “, except that no less than one-half of such sum shall be allocated to coal-producing States”.

30 USC 954.

(d) (1) Section 505 of such Act is amended by striking out “the mining of coal” and inserting in lieu thereof “in mining”.

(2) Section 505 of such Act is further amended by striking out the period at the end of the second sentence thereof and inserting in lieu thereof “: *Provided, however,* That, to the maximum extent feasible, in the selection of persons for appointment as mine inspectors, no person shall be so selected unless he has the basic qualification of at least five years practical mining experience and in assigning mine inspectors to the inspection and investigation of individual mines, due consideration shall be given to the extent possible to their previous experience in the particular type of mining operation where such inspections are to be made.”.

Mine inspectors, qualifications and selection.
Ante, p. 1320.

(e) Section 506(b) of such Act is amended by inserting “or other” immediately after “coal” each time it appears therein.

30 USC 955.

(f) Section 511 of such Act is amended by inserting “or other” immediately after “coal”.

30 USC 958.

(g) Section 512 of such Act is amended by inserting “or other” after “coal” each time it appears therein.

30 USC 959.

(h) Section 502 of such Act is amended by adding at the end thereof the following new subsection (c) :

Safety training and educational programs.
National Mine Health and Safety Academy.
Ante, p. 1320.

“(c) (1) The National Mine Health and Safety Academy shall be maintained as an agency of the Department of the Interior. The Academy shall be responsible for the training of mine safety and health inspectors under section 505 of this Act, and in training of technical support personnel of the Mine Safety and Health Administration established under section 302 of the Federal Mine Safety and Health Amendments Act of 1977; and for any other training programs for mine inspectors, mining personnel, or other persons as the Secretaries of Labor and the Interior shall designate. In performing this function, the Academy shall have the authority to enter into cooperative educational and training agreements with educational institutions, State governments, labor organizations, and mine operators and related industries. Such training shall be conducted by the Academy in accordance with curriculum needs and assignment of instructional personnel established by the user.

Ante, p. 1319.

Cooperative agreements.

“(2) In performing its function pursuant to this section, the National Mine Health and Safety Academy shall use the facilities and personnel of the Department of the Interior, and such other personnel as shall be mutually agreed upon by the Secretaries of Labor and the Interior. The Secretary of the Interior may appoint or assign to the Academy such officers and employees as he deems necessary for the performance of the duties and functions of the Academy.

Facilities and personnel.

“(3) The Secretary of the Interior shall conduct his safety research responsibilities under section 501 of this Act in coordination with the Secretary of Labor, and the Secretaries of Labor and the Interior are authorized to enter into contractual or other agreements for the performance of such safety related research.”.

Ante, p. 1320.

SAVINGS PROVISION

SEC. 304. Nothing contained in this Act or any amendment made by this Act shall be construed to reduce the number of inspectors engaged in enforcement of the Federal Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Safety Act as in effect prior to the effective date of this Act or to reduce the number of inspectors engaged in the enforcement of the Occupational Safety and Health Act of 1970.

30 USC 954 note.

30 USC 801 note.
30 USC 721 note.

29 USC 651 note.

BUDGET PROVISION

Appropriation
accounts,
separation.
31 USC 11 note.

29 USC 651 note.

SEC. 305. In the preparation of the Budget message required under section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), the President shall set forth as separate appropriation accounts amounts required for appropriation for mine health and safety pursuant to the Federal Mine Safety and Health Act of 1977 and for occupational safety and health pursuant to the Occupational Safety and Health Act of 1970.

REPEALER

30 USC
721-740.

43 USC 1456a.

SEC. 306. (a) The Federal Metal and Nonmetallic Mine Safety Act is repealed.
(b) Section 405 of the Act of November 16, 1973, Public Law 93-153 is repealed.

EFFECTIVE DATE

30 USC 801 note.

Rules and
regulations.

Ante, p. 1317.

SEC. 307. Except as otherwise provided, this Act and the amendments made by this Act shall take effect 120 days after the date of enactment of this Act. The Secretary of Labor and the Secretary of the Interior are authorized to establish such rules and regulations as may be necessary for the efficient transfer of functions provided under this Act. The amendment to the Federal Coal Mine Health and Safety Act of 1969 made by section 202 of this Act shall be effective on the date of enactment.

Approved November 9, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-312 accompanying H.R. 4287 (Comm. on Education and Labor) and No. 95-655 (Comm. of Conference).

SENATE REPORTS: No. 95-181 (Comm. on Human Resources) and No. 95-461 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

June 20, 21, considered and passed Senate.

July 14, 15, considered and passed House, amended, in lieu of H.R. 4287.

Oct. 6, Senate agreed to conference report.

Oct. 27, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 46:
Nov. 9, Presidential statement.

Public Law 95-165
95th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 1978, and for other purposes.

Nov. 9, 1977
[H.J. Res. 643]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1978, namely:

Continuing
appropriations,
1978.

SEC. 101. Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1977, and for which appropriations, funds, or other authority would be available in the District of Columbia Appropriations Act, 1978 (H.R. 9005) as passed the House of Representatives or the Senate, but at a rate of operations not in excess of the current rate: *Provided*, That the Advisory Neighborhood Commissions shall be contained at an annual rate of not to exceed \$500,000: *Provided further*, That the rate of operations for the Disaster Loan Fund of the Small Business Administration contained in said Act shall be the rate as passed the Senate.

Such amounts as may be necessary for projects or activities provided for in the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1978 (H.R. 7555), at a rate of operations, and to the extent and in the manner, provided for in such Act as modified by the House of Representatives on August 2, 1977, notwithstanding the provisions of section 106 of this joint resolution.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from November 1, 1977, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) November 30, 1977, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in 31 U.S.C. 665(d) (2), but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1977.

SEC. 107. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

Approved November 9, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-792 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Nov. 3, considered and passed House.

Nov. 4, considered and passed Senate.

Public Law 95-166
95th Congress

An Act

To amend the National School Lunch Act and the Child Nutrition Act of 1966 in order to revise and extend the summer food program, to revise the special milk program, to revise the school breakfast program, to authorize the Secretary of Agriculture to carry out a program of nutrition information and education as part of food service programs for children conducted under such Acts, and for other purposes.

Nov. 10, 1977
[H.R. 1139]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National School Lunch Act and Child Nutrition Amendments of 1977".

National School
Lunch Act and
Child Nutrition
Amendments of
1977.
42 USC 1751
note.
42 USC 1761.

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

SEC. 2. Section 13 of the National School Lunch Act is amended to read as follows:

"SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

"SEC. 13. (a) (1) The Secretary is authorized to carry out a program to assist States, through grants-in-aid and other means, to initiate, maintain, and expand nonprofit food service programs for children in service institutions. For purposes of this section, (A) 'program' means the summer food service program for children authorized by this section; (B) 'service institutions' means nonresidential public or private nonprofit institutions, and residential public or private nonprofit summer camps, that develop special summer or school vacation programs providing food service similar to that made available to children during the school year under the school lunch program under this Act or the school breakfast program under the Child Nutrition Act of 1966; (C) 'areas in which poor economic conditions exist' means areas in which at least 33⅓ percent of the children are eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966, as determined by information provided from departments of welfare, zoning commissions, census tracts, by the number of free and reduced price lunches or breakfasts served to children attending public and nonprofit private schools located in the area of program food service sites, or from other appropriate sources, including statements of eligibility based upon income for children enrolled in the program; (D) 'children' means individuals who are eighteen years of age and under, and individuals who are older than eighteen who are (i) determined by a State educational agency or a local public educational agency of a State, in accordance with regulations prescribed by the Secretary, to be mentally or physically handicapped, and (ii) participating in a public school program established for the mentally or physically handicapped; and (E) 'State' means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

Assistance to
States.
Definitions.

42 USC 1771
note.

"(2) To the maximum extent feasible, consistent with the purposes of this section, any food service under the program shall use meals prepared at the facilities of the service institution or at the food service

facilities of public and nonprofit private schools. The Secretary shall assist States in the development of information and technical assistance to encourage increased service of meals prepared at the facilities of service institutions and at public and nonprofit private schools.

Service
institutions,
eligibility.

“(3) Eligible service institutions entitled to participate in the program shall be limited to those that—

“(A) demonstrate adequate administrative and financial responsibility to manage an effective food service;

“(B) have not been seriously deficient in operating under the program;

“(C) either conduct a regularly scheduled food service for children from areas in which poor economic conditions exist or qualify as camps; and

“(D) provide an ongoing year-round service to the community to be served under the program (except that an otherwise eligible service institution shall not be disqualified for failure to meet this requirement for ongoing year-round service if the State determines that its disqualification would result in an area in which poor economic conditions exist not being served or in a significant number of needy children not having reasonable access to a summer food service program).

Participation,
priorities.

“(4) The following order of priority shall be used by the State in determining participation where more than one eligible service institution proposes to serve the same area:

“(A) local schools or service institutions that have demonstrated successful program performance in a prior year;

“(B) service institutions that prepare meals at their own facilities or operate only one site;

“(C) service institutions that use local school food facilities for the preparation of meals;

“(D) other service institutions that have demonstrated ability for successful program operation; and

“(E) service institutions that plan to integrate the program with Federal, State, or local employment programs.

The Secretary and the States, in carrying out their respective functions under this section, shall actively seek eligible service institutions located in rural areas, for the purpose of assisting such service institutions in applying to participate in the program.

Reimbursement,
limitations.

“(5) Camps that satisfy all other eligibility requirements of this section shall receive reimbursement only for meals served to children who meet the eligibility requirements for free or reduced price meals, as determined under this Act and the Child Nutrition Act of 1966.

42 USC 1771
note.

Payments to
institutions.

“(b)(1) Payments to service institutions shall equal the full cost of food service operations (which cost shall include the cost of obtaining, preparing, and serving food, but shall not include administrative costs), except that such payments to any institution shall not exceed (1) 85.75 cents for each lunch and supper served; (2) 47.75 cents for each breakfast served; or (3) 22.50 cents for each meal supplement served: *Provided*, That such amounts shall be adjusted each January 1 to the nearest one-fourth cent in accordance with the changes for the twelve-month period ending the preceding November 30 in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor: *Provided further*, That the Secretary may make such adjustments in the maximum reimbursement levels as the Secretary determines appropriate after making the study prescribed in paragraph (4) of this subsection.

Adjustments.

Meals per day,
limitation.

“(2) Any service institution shall be permitted to serve up to three

meals per day of operation if at least one of the three meals is a meal supplement, and any service institution that is a camp shall be permitted to serve up to four meals per day of operation, if the service institution has the administrative capability, and the food preparation and food holding capabilities (where applicable), to manage more than one meal service per day, and if the service period of different meals does not coincide or overlap. Such meals may include a breakfast, a lunch, a supper, and meal supplements.

“(3) Every service institution, when applying for participation in the program, shall submit a complete budget for administrative costs related to the program, which shall be subject to approval by the State. Payment to service institutions for administrative costs shall equal the full amount of State approved administrative costs incurred, except that such payment to service institutions may not exceed the maximum allowable levels determined by the Secretary pursuant to the study prescribed in paragraph (4) of this subsection.

Budget,
submittal.
State approval.

“(4)(A) The Secretary shall conduct a study of the food service operations carried out under the program. Such study shall include, but shall not be limited to—

Operations,
study.

“(i) an evaluation of meal quality as related to costs; and

“(ii) a determination whether adjustments in the maximum reimbursement levels for food service operation costs prescribed in paragraph (1) of this subsection should be made, including whether different reimbursement levels should be established for self-prepared meals and vendored meals and which site-related costs, if any, should be considered as part of administrative costs.

“(B) The Secretary shall also study the administrative costs of service institutions participating in the program and shall thereafter prescribe maximum allowable levels for administrative payments that reflect the costs of such service institutions, taking into account the number of sites and children served, and such other factors as the Secretary determines appropriate to further the goals of efficient and effective administration of the program.

Administrative
costs, study.

“(C) The Secretary shall report the results of such studies to Congress not later than December 1, 1977.

Results, report to
Congress.

“(c) Payments shall be made to service institutions only for meals served during the months of May through September, except in the case of service institutions that operate food service programs for children on school vacation at any time under a continuous school calendar.

“(d) Not later than April 15, May 15, and July 1, of each year, the Secretary shall forward to each State a letter of credit (advance program payment) that shall be available to each State for the payment of meals to be served in the month for which the letter of credit is issued. The amount of the advance program payment shall be an amount which the State demonstrates, to the satisfaction of the Secretary, to be necessary for advance program payments to service institutions in accordance with subsection (e) of this section. The Secretary shall also forward such advance program payments, by the first day of the month prior to the month in which the program will be conducted, to States that operate the program in months other than May through September. The Secretary shall forward any remaining payments due pursuant to subsection (b) of this section not later than sixty days following receipt of valid claims therefor.

Advance program
payments to
States.
Letter of credit,
forwarding to
States.

“(e)(1) Not later than June 1, July 15, and August 15 of each year, or, in the case of service institutions that operate under a

Certification.	continuous school calendar, the first day of each month of operation, the State shall forward advance program payments to each service institution: <i>Provided</i> , That (A) the State shall not release the second month's advance program payment to any service institution that has not certified that it has held training sessions for its own personnel and the site personnel with regard to program duties and responsibilities, and (B) no advance program payment may be made for any month in which the service institution will operate under the program for less than ten days.
Payments, computation.	"(2) The amount of the advance program payment for any month in the case of any service institution shall be an amount equal to (A) the total program payment for meals served by such service institution in the same calendar month of the preceding calendar year, (B) 50 percent of the amount established by the State to be needed by such service institution for meals if such service institution contracts with a food service management company, or (C) 65 percent of the amount established by the State to be needed by such service institution for meals if such service institution prepares its own meals, whichever amount is greatest: <i>Provided</i> , That the advance program payment may not exceed the total amount estimated by the State to be needed by such service institution for meals to be served in the month for which such advance program payment is made or \$40,000, whichever is less, except that a State may make a larger advance program payment to such service institution where the State determines that such larger payment is necessary for the operation of the program by such service institution and sufficient administrative and management capability to justify a larger payment is demonstrated. The State shall forward any remaining payment due a service institution not later than seventy-five days following receipt of valid claims. If the State has reason to believe that a service institution will not be able to submit a valid claim for reimbursement covering the period for which an advance program payment has been made, the subsequent month's advance program payment shall be withheld until such time as the State has received a valid claim. Program payments advanced to service institutions that are not subsequently deducted from a valid claim for reimbursement shall be repaid upon demand by the State. Any prior payment that is under dispute may be subtracted from an advance program payment.
Limitation.	
Valid claims, receipt.	
Withholding.	
Meals, contents.	"(f) Service institutions receiving funds under this section shall serve meals consisting of a combination of foods and meeting minimum nutritional standards prescribed by the Secretary on the basis of tested nutritional research. Such meals shall be served without cost to children attending service institutions approved for operation under this section, except that, in the case of camps, charges may be made for meals served to children other than those who meet the eligibility requirements for free or reduced price meals in accordance with subsection (a) (5) of this section. To assure meal quality, States shall, with the assistance of the Secretary, prescribe model meal specifications and model food quality standards, and ensure that all service institutions contracting for the preparation of meals with food service management companies include in their contracts menu cycles, local food safety standards, and food quality standards approved by the State. Such contracts shall require (A) periodic inspections, by an independent agency or the local health department for the locality in which the meals are served, of meals prepared in accordance with the contract in order to determine bacteria levels present in such meals, and (B) that bacteria levels conform to the standards which are
Quality assurance, specifications and standards.	
Meal preparation contracts, requirements.	
Inspection and testing.	

applied by the local health authority for that locality with respect to the levels of bacteria that may be present in meals served by other establishments in that locality. Such inspections and any testing resulting therefrom shall be in accordance with the practices employed by such local health authority.

“(g) The Secretary shall publish proposed regulations relating to the implementation of the program by November 1 of each fiscal year, final regulations by January 1 of each fiscal year, and guidelines, applications, and handbooks by February 1 of each fiscal year: *Provided*, That for fiscal year 1978, those portions of the regulations relating to payment rates for both food service operations and administrative costs need not be published until December 1 and February 1, respectively. In order to improve program planning, the Secretary may provide that service institutions be paid as startup costs not to exceed 20 percent of the administrative funds provided for in the administrative budget approved by the State under subsection (b) (3) of this section. Any payments made for startup costs shall be subtracted from amounts otherwise payable for administrative costs subsequently made to service institutions under subsection (b) (3) of this section.

Regulations,
guidelines, and
applications,
publication.

Startup costs.

“(h) Each service institution shall, insofar as practicable, use in its food service under the program foods designated from time to time by the Secretary as being in abundance. The Secretary is authorized to donate to States, for distribution to service institutions, food available under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), or purchased under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) or section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1). Donated foods may be distributed only to service institutions that can use commodities efficiently and effectively, as determined by the Secretary.

Donated foods.

“(i) If any State (1) is unable for any reason to disburse the funds otherwise payable to it under this section, or (2) does not operate the program in accordance with the requirements of this section, the Secretary shall assume authority for administration of the program in such State, and shall disburse the funds directly to service institutions in the State for the same purposes and subject to the same conditions as are required of a State disbursing funds made available under this section. In cases described in clause (1) of the preceding sentence, the State shall notify the Secretary, not later than January 1 of each fiscal year in which the program is operated, of its intention not to administer the program.

Administration,
inability by State.

Notification.

“(j) Expenditures of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under this section.

“(k) (1) The Secretary shall pay to each State for its administrative costs incurred under this section in any fiscal year an amount equal to (A) 20 percent of the first \$50,000 in funds distributed to that State for the program in the preceding fiscal year; (B) 10 percent of the next \$50,000 in funds distributed to that State for the program in the preceding fiscal year; (C) 5 percent of the next \$100,000 in funds distributed to that State for the program in the preceding fiscal year; and (D) 2 percent of any remaining funds distributed to that State for the program in the preceding fiscal year: *Provided*, That such amounts may be adjusted by the Secretary to reflect changes in the size of that State's program since the preceding fiscal year.

Administrative
costs, payment.

Adjustment.

“(2) The Secretary shall establish standards and effective dates for the proper, efficient, and effective administration of the program

Standards and
effective dates,
establishment.

Funds, withholding.	by the State. If the Secretary finds that the State has failed without good cause to meet any of the Secretary's standards or has failed without good cause to carry out the approved State management and administration plan under subsection (n) of this section, the Secretary may withhold from the State such funds authorized under this subsection as the Secretary determines to be appropriate.
Inspection funds.	"(3) To provide for adequate nutritional and food quality monitoring, and to further the implementation of the program, an additional amount, not to exceed the lesser of actual costs or 1 percent of program funds, shall be made available by the Secretary to States to pay for State or local health department inspections, and to reinspect facilities and deliveries to test meal quality.
Food service management companies, subcontracts.	"(1) (1) Service institutions may contract on a competitive basis only with food service management companies registered with the State in which they operate for the furnishing of meals or management of the entire food service under the program, except that a food service management company entering into a contract with a service institution under this section may not subcontract with a single company for the total meal, with or without milk, or for the assembly of the meal. The Secretary shall prescribe additional conditions and limitations governing assignment of all or any part of a contract entered into by a food service management company under this section. Any food service management company shall, in its bid, provide the service institution information as to its meal capacity. The State shall, upon award of any bid, review the company's registration to calculate how many remaining meals the food service management company is equipped to prepare.
Additional conditions.	
Bids.	
Review.	
Registration.	"(2) Each State shall provide for the registration of food service management companies. For the purposes of this section, registration shall include, at a minimum— "(A) certification that the company meets applicable State and local health, safety, and sanitation standards; "(B) disclosure of past and present company owners, officers, and directors, and their relationship, if any, to any service institution or food service management company that received program funds in any prior fiscal year; "(C) records of contract terminations or disallowances, and health, safety, and sanitary code violations, in regard to program operations in prior fiscal years; and "(D) the addresses of the company's food preparation and distribution sites. No food service management company may be registered if the State determines that such company (i) lacks the administrative and financial capability to perform under the program, or (ii) has been seriously deficient in its participation in the program in prior fiscal years.
Record, availability to States.	"(3) In order to ensure that only qualified food service management companies contract for services in all States, the Secretary shall maintain a record of all registered food service management companies and their program record for the purpose of making such information available to the States.
Small and minority-owned businesses.	"(4) In accordance with regulations issued by the Secretary, positive efforts shall be made by service institutions to use small businesses and minority-owned businesses as sources of supplies and services. Such efforts shall afford those sources the maximum feasible opportunity to compete for contracts using program funds.
Contract, standard form.	"(5) Each State, with the assistance of the Secretary, shall establish a standard form of contract for use by service institutions and food service management companies. The Secretary shall prescribe requirements.
Bid and contract procedures, requirements.	

ments governing bid and contract procedures for acquisition of the services of food service management companies, including, but not limited to, bonding requirements (which may provide exemptions applicable to contracts of \$100,000 or less), procedures for review of contracts by States, and safeguards to prevent collusive bidding activities between service institutions and food service management companies.

“(m) States and service institutions participating in programs under this section shall keep such accounts and records as may be necessary to enable the Secretary to determine whether there has been compliance with this section and the regulations issued hereunder. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of five years, as the Secretary determines necessary.

“(n) Each State desiring to participate in the program shall notify the Secretary by January 1 of each year of its intent to administer the program and shall submit for approval by February 15 a management and administration plan for the program for the fiscal year, which shall include, but not be limited to, (1) the State’s administrative budget for the fiscal year, and the State’s plans to comply with any standards prescribed by the Secretary under subsection (k) of this section; (2) the State’s plans for use of program funds and funds from within the State to the maximum extent practicable to reach needy children, including the State’s methods for assessing need, and its plans and schedule for informing service institutions of the availability of the program; (3) the State’s best estimate of the number and character of service institutions and sites to be approved, and of meals to be served and children to participate for the fiscal year, and a description of the estimating methods used; (4) the State’s plans and schedule for providing technical assistance and training eligible service institutions; (5) the State’s schedule for application by service institutions; (6) the actions to be taken to maximize the use of meals prepared by service institutions and the use of school food service facilities; (7) the State’s plans for monitoring and inspecting service institutions, feeding sites, and food service management companies and for ensuring that such companies do not enter into contracts for more meals than they can provide effectively and efficiently; (8) the State’s plan and schedule for registering food service management companies; (9) the State’s plan for timely and effective action against program violators; (10) the State’s plan for determining the amounts of program payments to service institutions and for disbursing such payments; (11) the State’s plan for ensuring fiscal integrity by auditing service institutions not subject to auditing requirements prescribed by the Secretary; and (12) the State’s procedure for granting a hearing and prompt determination to any service institution wishing to appeal a State ruling denying the service institution’s application for program participation or for program reimbursement.

“(o) (1) Whoever, in connection with any application, procurement, recordkeeping entry, claim for reimbursement, or other document or statement made in connection with the program, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, or whoever, in connection with the program, knowingly makes an opportunity for any person to defraud the United States, or does or omits to do any act with intent to enable any person

Accounts and records, retention.

Inspection and audit, availability.

Management and administration plan, notification and submittal to Secretary.

Penalties.

to defraud the United States, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

"(2) Whoever being a partner, officer, director, or managing agent connected in any capacity with any partnership, association, corporation, business, or organization, either public or private, that receives benefits under the program, knowingly or willfully embezzles, misapplies, steals, or obtains by fraud, false statement, or forgery, any benefits provided by this section or any money, funds, assets, or property derived from benefits provided by this section, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both (but, if the benefits, money, funds, assets, or property involved is not over \$200, then the penalty shall be a fine of not more than \$1,000 or imprisonment for not more than one year, or both).

"(3) If two or more persons conspire or collude to accomplish any act made unlawful under this subsection, and one or more of such persons do any act to effect the object of the conspiracy or collusion, each shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

Appropriation
authorization.

"(p) For the fiscal years beginning October 1, 1977, and ending September 30, 1980, there are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this section."

CONFORMING AMENDMENT

42 USC 1754,
1756, 1757,
1760, 1766,
1774.

42 USC 1754.

42 USC 1774.

SEC. 3. The National School Lunch Act and the Child Nutrition Act of 1966 are each amended by striking out "nonfood assistance" each time such phrase appears in such Acts and by inserting in lieu thereof "food service equipment assistance". The heading of section 5 of the National School Lunch Act is amended to read "FOOD SERVICE EQUIPMENT ASSISTANCE", and the heading of section 5 of the Child Nutrition Act of 1966 is amended to read "FOOD SERVICE EQUIPMENT ASSISTANCE".

FOOD SERVICE EQUIPMENT ASSISTANCE

Conditions.
42 USC 1774.

SEC. 4. Section 5 of the Child Nutrition Act of 1966 is amended by—

(1) striking out the last sentence of subsection (b) and inserting in lieu thereof the following: "Payments to any State of funds apportioned under the provisions of this subsection for any fiscal year shall be made upon condition that at least one-fourth of the cost of equipment financed under this subsection shall be borne by funds from sources within the State, except that such condition shall not apply with respect to funds used under this section to assist schools that are especially needy, as determined by criteria to be established by each State and approved by the Secretary. States shall apportion their share of funds under this subsection by giving priority to schools without a food service program and schools without the facilities to prepare and cook hot meals at the schools (including schools having equipment that is so antiquated or impaired as to endanger the continuation of an adequate food service program or the ability to prepare and cook hot meals) or at a kitchen that serves the schools and that is operated by the local school district or by a nonprofit private school or the authority that is responsible for the administration of one or more nonprofit private schools. After making funds available to such schools, the State shall make the remaining funds available to schools with a food service program and with the facilities to prepare and cook hot meals at the schools or at a kitchen that serves the schools and that is operated by the local school district or by a nonprofit private school or the authority

State
apportionment.

that is responsible for the administration of one or more nonprofit private schools, for the purpose of purchasing needed replacement equipment.”;

(2) amending subsection (e) to read as follows:

“(e) For the fiscal years ending September 30, 1978, September 30, 1979, and September 30, 1980, 33 $\frac{1}{3}$ percent of the funds appropriated for the purposes of this section shall be reserved to the Secretary to assist schools without a food service program and schools without the facilities to prepare and cook hot meals or receive hot meals. The Secretary shall apportion the funds so reserved among the States on the basis of the ratio of the number of children in each State enrolled in schools without a food service program and in schools without the facilities to prepare and cook hot meals or receive hot meals to the number of children in all States enrolled in schools without a food service program and in schools without the facilities to prepare and cook hot meals or receive hot meals. In those States in which the Secretary administers the food service equipment assistance program in nonprofit private schools, the Secretary shall withhold from the funds apportioned to any such State under this subsection an amount which bears the same ratio to such funds as the number of children enrolled in nonprofit private schools without a food service program or without the facilities to prepare and cook hot meals or receive hot meals in such State bears to the total number of children enrolled in all schools without a food service program or without the facilities to prepare and cook hot meals or receive hot meals in such State. The funds so reserved, apportioned, and withheld shall be used by the State, or the Secretary in the case of nonprofit private schools, only to assist schools without a food service program and schools without the facilities to prepare and cook hot meals or receive hot meals. If any State cannot use all the funds apportioned to it under the provisions of this subsection, the Secretary shall make further apportionment to the remaining States for use only in assisting schools without a food service program and schools without the facilities to prepare and cook hot meals or receive hot meals. If after such further apportionment, any funds received under this subsection remain unused, the Secretary shall immediately apportion such funds among the States in accordance with the provisions of subsection (b) of this section. Payment to any State of funds under the provisions of this subsection shall be made upon the condition that at least one-fourth of the cost of the equipment financed shall be borne by funds from sources within the State, except that such condition shall not apply with respect to funds used under this subsection to assist schools that are especially needy, as determined by criteria established by each State and approved by the Secretary.”;

(3) adding at the end thereof a new subsection (f) to read as follows:

“(f) (1) Funds authorized for the purposes of this section shall be used only for facilities that enable schools, or local public or private nonprofit institutions under the conditions prescribed in paragraph (2) of this subsection, to prepare and cook hot meals or receive hot meals at the school or institution unless the school can demonstrate to the satisfaction of the State (or, in the case of nonprofit private schools in States where the Secretary administers the food service equipment program in such schools, to the satisfaction of the Secretary) that an alternative method of meal preparation is necessary for the introduction or continued existence of the school lunch or breakfast program in such school or to improve the consumption of food or the participation of eligible children in the program.

“(2) If a school authorized to receive funds under this section

State
apportionment.

Funds for States
administered by
Secretary,
withholding.

Condition.

cannot establish a food service program of hot meals prepared and cooked by the school, or received by the school, and the school enters into an agreement with a public or private nonprofit institution to provide the school lunch or breakfast program for children attending the school, the funds provided under this section may be used for food service facilities to be located at such institution, if (A) the school retains legal title to such facilities and, (B) in the case of funds made available under subsection (e) of this section, the institution would otherwise be without such facilities.”; and

(4) striking out the comma after “as amended” in subsection (a), inserting a period in lieu thereof, and striking out the remainder of the sentence.

COMMODITY DISTRIBUTION PROGRAM

Estimated
valuation.
42 USC 1755.

SEC. 5. Section 6(b) of the National School Lunch Act is amended to read as follows:

Payment.

“(b) Not later than May 15 of each school year, the Secretary shall make an estimate of the value of agricultural commodities and other foods that will be delivered during that school year to States for the school lunch program. If such estimated value is less than the total level of assistance authorized under subsection (e) of this section, the Secretary shall pay to each State educational agency, not later than June 15 of that school year, an amount of funds that is equal to the difference between the value of such deliveries as then programmed for such State and the total level of assistance authorized under subsection (e) of this section. In any State in which the Secretary directly administers the school lunch program in any of the schools of the State, the Secretary shall withhold from the funds to be paid to such State under the provisions of this subsection an amount that bears the same ratio to the total of such payment as the number of lunches served in schools in which the school lunch program is directly administered by the Secretary during that school year bears to the total of such lunches served under the school lunch program in all the schools in such State in such school year. Each State educational agency, and the Secretary in the case of private schools in which the Secretary directly administers the school lunch program, shall promptly and equitably disburse such funds to schools participating in the school lunch program, and such disbursements shall be used by such schools to purchase United States agricultural commodities and other foods for their food service program. Such foods shall be limited to the requirements for lunches and breakfasts for children as provided for in regulations issued by the Secretary.”.

Funds for States
administered by
Secretary,
withholding.

PURCHASE OF FOODS FOR THE COMMODITY DISTRIBUTION PROGRAM

42 USC 1762a.

SEC. 6. Section 14 of the National School Lunch Act is amended by—

(1) striking out “September 30, 1977” in subsection (a) and inserting in lieu thereof “September 30, 1982”; and

(2) adding at the end thereof new subsections (c), (d), and (e) as follows:

“(c) The Secretary may use funds appropriated from the general fund of the Treasury to purchase agricultural commodities and their products of the types customarily purchased for donation under section 707(a)(4) of the Older Americans Act of 1965 (42 U.S.C. 3045f(a)(4)) or for cash payments in lieu of such donations under section 707(d)(1) of such Act (42 U.S.C. 3045f(d)(1)). There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this subsection.

Appropriation
authorization.

“(d) In providing assistance under this Act and the Child Nutrition Act of 1966 for school lunch and breakfast programs, the Secretary shall establish procedures which will—

Assistance,
procedures.
42 USC 1771
note.

“(1) ensure that the views of local school districts and private nonprofit schools with respect to the type of commodity assistance needed in schools are fully and accurately reflected in reports to the Secretary by the State with respect to State commodity preferences and that such views are considered by the Secretary in the purchase and distribution of commodities and by the States in the allocation of such commodities among schools within the States;

“(2) solicit the views of States with respect to the acceptability of commodities;

“(3) ensure that the timing of commodity deliveries to States is consistent with State school year calendars and that such deliveries occur with sufficient advance notice;

“(4) provide for systematic review of the costs and benefits of providing commodities of the kind and quantity that are suitable to the needs of local school districts and private nonprofit schools; and

Cost and benefits,
review.

“(5) make available technical assistance on the use of commodities available under this Act and the Child Nutrition Act of 1966. Within eighteen months after the date of the enactment of this subsection, the Secretary shall report to Congress on the impact of procedures established under this subsection, including the nutritional, economic, and administrative benefits of such procedures. In purchasing commodities for programs carried out under this Act and the Child Nutrition Act of 1966, the Secretary shall establish procedures to ensure that contracts for the purchase of such commodities shall not be entered into unless the previous history and current patterns of the contracting party with respect to compliance with applicable meat inspection laws and with other appropriate standards relating to the wholesomeness of food for human consumption are taken into account.

Technical
assistance.
Report to
Congress.

Procedures.

“(e) Each State educational agency that receives food assistance payments under this section for any school year shall establish for such year an advisory council, which shall be composed of representatives of schools in the State that participate in the school lunch program. The council shall advise such State agency with respect to the needs of such schools relating to the manner of selection and distribution of commodity assistance for such program.”.

State advisory
councils,
establishment
and membership.

REFUSAL OF COMMODITIES

SEC. 7. Section 6(a) of the National School Lunch Act is amended by inserting immediately after the first sentence the following: “Any school participating in food service programs under this Act may refuse to accept delivery of not more than 20 percent of the total value of agricultural commodities and other foods tendered to it in any school year; and if a school so refuses, that school may receive, in lieu of the refused commodities, other commodities to the extent that other commodities are available to the State during that year.”.

42 USC 1755.

ACCEPTANCE OF OFFERED FOODS

SEC. 8. The third sentence of section 9(a) of the National School Lunch Act is amended to read as follows: “Students in senior high schools that participate in the school lunch program under this Act

Senior high
school students.
42 USC 1758.

(and, when approved by the local school district or nonprofit private schools, students in any other grade level in any junior high school or middle school) shall not be required to accept offered foods they do not intend to consume, and any such failure to accept offered foods shall not affect the full charge to the student for a lunch meeting the requirements of this subsection or the amount of payments made under this Act to any such school for such lunch.”.

SPECIAL ASSISTANCE

Appropriation
authorization.
42 USC 1759a.

SEC. 9. Section 11(a) of the National School Lunch Act is amended by inserting immediately after the first sentence the following new sentences: “In the case of any school which determines that at least 80 percent of the children in attendance during a school year (hereinafter in this sentence referred to as the ‘first school year’) are eligible for free lunches or reduced-price lunches, special-assistance payments shall be paid to the State educational agency with respect to that school, if that school so requests for the school year following the first school year, on the basis of the number of free lunches or reduced-price lunches, as the case may be, that are served by that school during the school year for which the request is made, to those children who were determined to be so eligible in the first school year and the number of free lunches and reduced-price lunches served during that year to other children determined for that year to be eligible for such lunches. In the case of any school that (1) elects to serve all children in that school free lunches under the school lunch program during any period of three successive school years and (2) pays, from sources other than Federal funds, for the costs of serving such lunches which are in excess of the value of assistance received under this Act with respect to the number of lunches served during that period, special-assistance payments shall be paid to the State educational agency with respect to that school during that period on the basis of the number of lunches determined under the succeeding sentence. For purposes of making special-assistance payments in accordance with the preceding sentence, the number of lunches served by a school to children eligible for free lunches and reduced-price lunches during each school year of the three-school-year period shall be deemed to be the number of lunches served by that school to children eligible for free lunches and reduced-price lunches during the first school year of such period, unless that school elects, for purposes of computing the amount of such payments, to determine on a more frequent basis the number of children eligible for free and reduced-price lunches who are served lunches during such period.”.

PILOT PROJECTS

SEC. 10. The National School Lunch Act is amended by—
42 USC 1755.
(1) inserting in section 6(a)(3) immediately after “participants in these programs” the following: “, for pilot projects and the cash-in-lieu of commodities study required to be carried out under section 20 of this Act,”; and
(2) adding at the end thereof a new section 20 as follows:

“PILOT PROJECTS

42 USC 1769. “SEC. 20. (a) The Secretary shall conduct pilot projects with respect to local school districts or other appropriate units, or groups of program participants, for the purpose of determining whether there may be more efficient, healthful, economical, and reliable methods of operating school lunch, school breakfast, and summer feeding pro-

grams under this Act and the Child Nutrition Act of 1966, and methods for operating such programs that will result in improved delivery of benefits thereunder in accordance with the purposes of such Acts. Such projects shall, notwithstanding any other provision of law, include (1) not more than ten projects providing participating schools or other institutions the option of receiving all or part cash assistance in lieu of commodities under such Acts for such nutrition programs operated in such schools or institutions, (2) projects designed to streamline or reduce reporting requirements by local school districts, and (3) projects using the United States Department of Agriculture Extension Service to aid in nutrition training and education in schools and other institutions.

42 USC 1771
note.

Project contents.

“(b) The Secretary shall conduct a study to analyze the impact and effect of cash payments in lieu of commodities. The study shall be limited to a comparison between a State that phased out its commodity distribution facilities prior to June 30, 1974, and elected to receive cash payments in lieu of donated foods, and a State not eligible for cash payments in lieu of donated foods. Such study shall include an assessment of the administrative feasibility and nutritional impact of cash payments in lieu of donated foods, the cost savings, if any, that may be effected thereby at the Federal, State, and local levels, any additional costs that may be placed on programs and participating students, the impact on Federal programs designed to provide adequate income to farmers, the impact on the quality of food served, and the impact on plate waste in school lunch and breakfast programs.

Study.

“(c) The Secretary shall report to Congress, not later than eighteen months after the date of the enactment of this section, on the results of the pilot projects and study conducted under this section. In connection with such pilot projects, such report shall include an assessment of the methods employed in such projects for operating school lunch, school breakfast, and summer feeding programs, in terms of the following factors—

Report to
Congress.
Contents.

- “(1) the administrative feasibility and nutritional impact;
- “(2) the cost savings that may be effected at Federal, State, and local levels;
- “(3) the impact on Federal programs designed to provide adequate income to farmers;
- “(4) the impact on the quality of food served; and
- “(5) the impact on plate waste.”.

SPECIAL MILK PROGRAM

SEC. 11. The fifth sentence of section 3 of the Child Nutrition Act of 1966 is amended to read as follows: “Children who qualify for free lunches under guidelines set forth by the Secretary shall also be eligible for free milk, when milk is made available at times other than the periods of meal service in outlets that operate a food service program under sections 4 and 17 of the National School Lunch Act and section 4 of this Act.”.

42 USC 1772.

42 USC 1753.
42 USC 1766.
Infra.

SCHOOL BREAKFAST PROGRAM

SEC. 12. Section 4 of the Child Nutrition Act of 1966 is amended by—

42 USC 1773.

- (1) inserting “(1)” after the subsection designation for subsection (b);
- (2) striking out the last sentence in subsection (b); and
- (3) adding at the end of subsection (b) a new paragraph (2) as follows:

Additional payments, severe need.	“(2) (A) The Secretary shall make additional payments for breakfasts served to children qualifying for a free or reduced-price meal at schools that are in severe need.
Maximum payment, free breakfast.	“(B) The maximum payment for each such free breakfast shall be the higher of—
	“(i) the national average payment established by the Secretary for free breakfasts plus 10 cents, or
	“(ii) 45 cents, which shall be adjusted on a semiannual basis each July 1 and January 1 to the nearest one-fourth cent in accordance with changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor for the most recent six-month period for which such data are available, except that the initial such adjustment shall be made on January 1, 1978, and shall reflect the change in the series of food away from home during the period November 1, 1976, to October 31, 1977.
Maximum payment, reduced price breakfast.	“(C) The maximum payment for each such reduced-price breakfast shall be five cents less than the maximum payment for each free breakfast as determined under clause (B) of this paragraph.”; and
	(4) amending subsection (d) to read as follows:
Severe need assistance, eligibility.	“(d) Each State educational agency shall establish eligibility standards for providing additional assistance to schools in severe need where the rate per meal established by the Secretary is insufficient to carry out an effective breakfast program in such a school. Such eligibility standards shall be submitted to the Secretary for approval and included in the State plan of child nutrition operations required by section 11 (e) (1) of the National School Lunch Act. Pursuant to those State eligibility standards, a school, upon the submission of appropriate documentation about the need circumstances in that school and the school's eligibility for additional assistance, shall be entitled to receive 100 percent of the operating costs of the breakfast program, including the costs of obtaining, preparing, and serving food, or the meal reimbursement rate specified in paragraph (2) of section 4(b) of this Act, whichever is less.”.
42 USC 1759a.	
42 USC 1773.	

REDUCTION OF PAPERWORK

SEC. 13. The National School Lunch Act is amended by adding at the end thereof a new section 21 as follows:

“REDUCTION OF PAPERWORK

42 USC 1769a.	“SEC. 21. In carrying out functions under this Act and the Child Nutrition Act of 1966, the Secretary shall reduce, to the maximum extent possible, the paperwork required of State and local educational agencies, schools, and other agencies participating in child nutrition programs under such Acts. The Secretary shall report to Congress not later than one year after the date of enactment of this section on the extent to which a reduction in such paperwork has occurred.”.
42 USC 1771 note.	
Report to Congress.	

STATE ADMINISTRATIVE EXPENSES

42 USC 1776.	SEC. 14. Section 7 of the Child Nutrition Act of 1966 is amended to read as follows:
42 USC 1751 note.	“SEC. 7. (a) (1) The Secretary shall pay to each State for its administrative costs incurred pursuant to the administration of this Act and the National School Lunch Act for the fiscal year ending

September 30, 1978, an amount equal to 1 percent, and for each of the fiscal years ending September 30, 1979, and September 30, 1980, an amount not less than 1 percent and not greater than $1\frac{1}{2}$ percent of the funds used by each State under sections 4, 11, and 17 of the National School Lunch Act and under sections 3, 4, and 5 of this Act during the second fiscal year preceding the fiscal year for which the amounts are to be paid: *Provided*, That in no case shall the payment to any State under this section be less than \$75,000 per year nor shall any State receive less than the amount allocated to it for fiscal year 1977. The percentages specified in the foregoing sentence shall apply only to the first \$100,000,000 in funds used under the prescribed sections of law. For those funds used that exceed \$100,000,000, the Secretary shall pay an amount equal to 1 percent of such funds.

42 USC 1753,
1759a, 1766.
42 USC
1772-1775.
Minimum
payment.

"(2) The Secretary shall make available to States administering the child care food program, for the purpose of conducting audits of participating child care institutions, an amount up to 2 percent of the funds used by each State under section 17 of the National School Lunch Act during the second fiscal year preceding the fiscal year for which the amount is to be paid.

Audit expenses.

"(b) The Secretary, in cooperation with the several States, shall develop State staffing standards for the administration by each State of sections 4, 11, and 17 of the National School Lunch Act, and sections 3, 4, and 5 of this Act, that will ensure sufficient staff for the planning and administration of programs covered by State administrative expenses.

42 USC 1766.

Staffing
standards.
42 USC 1753,
1759a, 1766.
42 USC
1772-1775.

"(c) Funds paid to a State under subsection (a) of this section may be used to pay salaries, including employee benefits and travel expenses, for administrative and supervisory personnel; for support services; for office equipment; and for staff development.

Funds, usage.

"(d) If any State agency agrees to assume responsibility for the administration of food service programs in nonprofit private schools or child care institutions that were previously administered by the Secretary, an appropriate adjustment shall be made in the administrative funds paid under this section to the State not later than the succeeding fiscal year.

Fund adjustment,
State
administered
programs.

"(e) Notwithstanding any other provision of law, funds available to each State under this section for fiscal year 1978 that are not obligated or expended in that fiscal year shall remain available for obligation and expenditure by that State in fiscal year 1979. For fiscal year 1979, and the succeeding fiscal year, the Secretary shall establish a date by which each State shall submit to the Secretary a plan for the disbursement of funds provided under this section for each such year, and the Secretary shall reallocate any unused funds, as evidenced by such plans, to other States as the Secretary deems appropriate.

Unused funds.

"(f) The State may use a portion of the funds available under this section to assist in the administration of the commodity distribution program.

"(g) Each State shall submit to the Secretary for approval by October 1 of each year an annual plan for the use of State administrative expense funds, including a staff formula for State personnel, system level supervisory and operating personnel, and school level personnel.

State plan, use of
funds.

"(h) Payments of funds under this section shall be made only to States that agree to maintain a level of funding out of State revenues, for administrative costs in connection with programs under this Act (except section 17 of this Act) and the National School Lunch

State funding
requirement.

42 USC 1786.

- 42 USC 1761. Act (except section 13 of that Act), not less than the amount expended or obligated in fiscal year 1977.
- Appropriation authorization. “(i) For the fiscal years beginning October 1, 1977, and ending September 30, 1980, there are hereby authorized to be appropriated such sums as may be necessary for the purposes of this section.”.

NUTRITION EDUCATION AND TRAINING

SEC. 15. The Child Nutrition Act of 1966 is amended by adding at the end thereof a new section 19 as follows:

“NUTRITION EDUCATION AND TRAINING

42 USC 1788.

“SEC. 19. (a) Congress finds that—

“(1) the proper nutrition of the Nation’s children is a matter of highest priority;

“(2) the lack of understanding of the principles of good nutrition and their relationship to health can contribute to a child’s rejection of highly nutritious foods and consequent plate waste in school food service operations;

“(3) many school food service personnel have not had adequate training in food service management skills and principles, and many teachers and school food service operators have not had adequate training in the fundamentals of nutrition or how to convey this information so as to motivate children to practice sound eating habits;

“(4) parents exert a significant influence on children in the development of nutritional habits and lack of nutritional knowledge on the part of parents can have detrimental effects on children’s nutritional development; and

“(5) there is a need to create opportunities for children to learn about the importance of the principles of good nutrition in their daily lives and how these principles are applied in the school cafeteria.

“PURPOSE

“(b) It is the purpose of this section to encourage effective dissemination of scientifically valid information to children participating or eligible to participate in the school lunch and related child nutrition programs by establishing a system of grants to State educational agencies for the development of comprehensive nutrition information and education programs. Such nutrition education programs shall fully use as a learning laboratory the school lunch and child nutrition programs.

“DEFINITIONS

“(c) For purposes of this section, the term ‘nutrition information and education program’ means a multidisciplinary program by which scientifically valid information about foods and nutrients is imparted in a manner that individuals receiving such information will understand the principles of nutrition and seek to maximize their well-being through food consumption practices. Nutrition education programs shall include, but not be limited to, (A) instructing students with regard to the nutritional value of foods and the relationship between food and human health; (B) training school food service personnel in the principles and practices of food service management; (C) instructing teachers in sound principles of nutrition education; and (D) developing and using classroom materials and curricula.

"NUTRITION INFORMATION AND TRAINING"

"(d)(1) The Secretary is authorized to formulate and carry out a nutrition information and education program, through a system of grants to State educational agencies, to provide for (A) the nutritional training of educational and food service personnel, (B) the food service management training of school food service personnel, and (C) the conduct of nutrition education activities in schools and child care institutions.

Grants.

"(2) The program is to be coordinated at the State level with other nutrition activities conducted by education, health, and State Cooperative Extension Service agencies. In formulating the program, the Secretary and the State may solicit the advice and recommendations of the National Advisory Council on Child Nutrition; State educational agencies; the Department of Health, Education, and Welfare; and other interested groups and individuals concerned with improvement of child nutrition.

Coordination with other nutrition activities.

"(3) If a State educational agency is conducting or applying to conduct a health education program which includes a school-related nutrition education component as defined by the Secretary, and that health education program is eligible for funds under programs administered by the Department of Health, Education, and Welfare, the Secretary may make funds authorized in this section available to the Department of Health, Education, and Welfare to fund the nutrition education component of the State program without requiring an additional grant application.

Coordination with HEW.
Transfer of funds.

"(4) The Secretary, in carrying out the provisions of this subsection, shall make grants to State educational agencies who, in turn, may contract with land-grant colleges eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503, as amended; 7 U.S.C. 301-305, 307, and 308), or the Act of August 30, 1890 (26 Stat. 417, as amended; 7 U.S.C. 321-326 and 328), including the Tuskegee Institute, other institutions of higher education, and nonprofit organizations and agencies, for the training of educational and school food service personnel with respect to providing nutrition education programs in schools and the training of school food service personnel in school food service management. Such grants may be used to develop and conduct training programs for early childhood, elementary, and secondary educational personnel and food service personnel with respect to the relationship between food, nutrition, and health; educational methods and techniques, and issues relating to nutrition education; and principles and skills of food service management for cafeteria personnel.

Nutrition training.
Grants.
State contracts.

"(5) The State, in carrying out the provisions of this subsection, may contract with State and local educational agencies, land-grant colleges eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503, as amended; 7 U.S.C. 301-305, 307, and 308), or the act of August 30, 1890 (26 Stat. 417, as amended; 7 U.S.C. 321-326 and 328), including the Tuskegee Institute, other institutions of higher education, and other public or private nonprofit educational or research agencies, institutions, or organizations to pay the cost of pilot demonstration projects in elementary and secondary schools with respect to nutrition education. Such projects may include, but are not limited to, projects for the development, demonstration, testing, and evaluation of curricula for use in early childhood, elementary, and secondary education programs.

Pilot projects.
State contracts.

"(6) Notwithstanding any other provision of this section, if, in any State, the State educational agency is prohibited by law from administering the program authorized by this section in nonprofit private

Private schools,
program
administration.

schools and institutions, the Secretary may administer the program with respect to such schools and institutions.

“AGREEMENTS WITH STATE AGENCIES

“(e) The Secretary is authorized to enter into agreements with State educational agencies incorporating the provisions of this section, and issue such regulations as are necessary to implement this section.

“USE OF FUNDS

“(f)(1) The funds made available under this section may, under guidelines established by the Secretary, be used by State educational agencies for (A) employing a nutrition education specialist to coordinate the program, including travel and related personnel costs; (B) undertaking an assessment of the nutrition education needs of the State; (C) developing a State plan of operation and management for nutrition education; (D) applying for and carrying out planning and assessment grants; (E) pilot projects and related purposes; (F) the planning, development, and conduct of nutrition education programs and workshops for food service and educational personnel; (G) coordinating and promoting nutrition information and education activities in local school districts (incorporating, to the maximum extent practicable, as a learning laboratory, the child nutrition programs); (H) contracting with public and private nonprofit educational institutions for the conduct of nutrition education instruction and programs relating to the purposes of this section; and (I) related nutrition education purposes, including the preparation, testing, distribution, and evaluation of visual aids and other informational and educational materials.

Planning and
assessment
grants.

“(2) Any State desiring to receive grants authorized by this section may, from the funds appropriated to carry out this section, receive a planning and assessment grant for the purposes of carrying out the responsibilities described in clauses (A), (B), (C), and (D) of paragraph (1) of this subsection. Any State receiving a planning and assessment grant, may, during the first year of participation, be advanced a portion of the funds necessary to carry out such responsibilities: *Provided*, That in order to receive additional funding, the State must carry out such responsibilities.

Administrative
expenses.

“(3) An amount not to exceed 15 percent of each State's grant may be used for up to 50 percent of the expenditures for overall administrative and supervisory purposes in connection with the program authorized under this section.

“(4) Nothing in this section shall prohibit State or local educational agencies from making available or distributing to adults nutrition education materials, resources, activities, or programs authorized under this section.

“ACCOUNTS, RECORDS, AND REPORTS

“(g)(1) State educational agencies participating in programs under this section shall keep such accounts and records as may be necessary to enable the Secretary to determine whether there has been compliance with this section and the regulations issued hereunder. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of five years, as the Secretary determines to be necessary.

“(2) State educational agencies shall provide reports on expenditures of Federal funds, program participation, program costs, and related matters, in such form and at such times as the Secretary may prescribe.

“STATE COORDINATORS FOR NUTRITION ; STATE PLAN

“(h)(1) In order to be eligible for assistance under this section, a State shall appoint a nutrition education specialist to serve as a State coordinator for school nutrition education. It shall be the responsibility of the State coordinator to make an assessment of the nutrition education needs in the State as provided in paragraph (2) of this subsection, prepare a State plan as provided in paragraph (3) of this subsection, and coordinate programs under this Act with all other nutrition education programs provided by the State with Federal or State funds.

State
coordinators for
nutrition.

“(2) Upon receipt of funds authorized by this section, the State coordinator shall prepare an itemized budget and assess the nutrition education needs of the State. Such assessment shall include, but not be limited to, the identification and location of all students in need of nutrition education. The assessment shall also identify State and local individual, group, and institutional resources within the State for materials, facilities, staffs, and methods related to nutrition education.

“(3) Within nine months after the award of the planning and assessment grant, the State coordinator shall develop, prepare, and furnish the Secretary, for approval, a comprehensive plan for nutrition education within such State. The Secretary shall act on such plan not later than sixty days after it is received. Each such plan shall describe (A) the findings of the nutrition education needs assessment within the State; (B) provisions for coordinating the nutrition education program carried out with funds made available under this section with any related publicly supported programs being carried out within the State; (C) plans for soliciting the advice and recommendations of the National Advisory Council on Child Nutrition, the State educational agency, interested teachers, food nutrition professionals and paraprofessionals, school food service personnel, administrators, representatives from consumer groups, parents, and other individuals concerned with the improvement of child nutrition; (D) plans for reaching all students in the State with instruction in the nutritional value of foods and the relationships among food, nutrition, and health, for training food service personnel in the principles and skills of food service management, and for instructing teachers in sound principles of nutrition education; and (E) plans for using, on a priority basis, the resources of the land-grant colleges eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301-305, 307, and 308), or the Act of August 30, 1890 (26 Stat. 417, as amended; 7 U.S.C. 321-326 and 328), including the Tuskegee Institute. To the maximum extent practicable, the State's performance under such plan shall be reviewed and evaluated by the Secretary on a regular basis, including the use of public hearings.

State plan.

Contents.

Review.
Hearings.

“APPROPRIATIONS AUTHORIZED

“(j)(1) For the fiscal years beginning October 1, 1977, and October 1, 1978, grants to the States for the conduct of nutrition education and information programs shall be based on a rate of 50 cents for each

FY 1977 and
1978.

child enrolled in schools or in institutions within the State, except that no State shall receive an amount less than \$75,000 per year.

FY 1979.

"(2) For the fiscal year beginning October 1, 1979, there is hereby authorized to be appropriated for grants to each State for the conduct of nutrition education and information programs, an amount equal to the higher of (A) 50 cents for each child enrolled in schools or in institutions within each State, or (B) \$75,000 for each State. Grants to each State from such appropriations shall be based on a rate of 50 cents for each child enrolled in schools or in institutions within such State, except that no State shall receive an amount less than \$75,000 for that year. If funds appropriated for such year are insufficient to pay the amount to which each State is entitled under the preceding sentence, the amount of such grant shall be ratably reduced to the extent necessary so that the total of such amounts paid does not exceed the amount of appropriated funds. If additional funds become available for making such payments, such amounts shall be increased on the same basis as they were reduced.

Enrollment data.

"(3) Enrollment data used for purposes of this subsection shall be the latest available as certified by the Office of Education of the Department of Health, Education, and Welfare."

NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION

42 USC 1763.

SEC. 16. Section 15 of the National School Lunch Act is amended by—

(1) striking out in the first sentence "fifteen" and inserting in lieu thereof "nineteen";

(2) inserting immediately after "classroom teacher," in the second sentence the following: "two members shall be parents of children in schools that participate in the school lunch program under this Act, two members shall be senior high school students who participate in the school lunch program under this Act,";

(3) amending subsection (b) to read as follows:

Term.

"(b) The fifteen members of the Council appointed from outside the Department of Agriculture shall be appointed for terms of two years, except that the appointments for 1978 shall be made as follows: Two replacements, one parent, and one senior high school student shall be appointed for terms of two years; and two replacements, one parent, and one senior high school student shall be appointed for terms of one year. Thereafter, all appointments shall be for a term of two years, except that a person appointed to fill an unexpired term shall serve only for the remainder of such term. Parents and senior high school students appointed to the Council shall be members of State or school district child nutrition councils or committees actively engaged in providing program advice and guidance to school officials administering the school lunch program. Such appointments shall be made in a manner to balance rural and urban representation between parents and students. Members appointed from the Department of Agriculture shall serve at the pleasure of the Secretary."; and

Personal
expenses,
compensation.

(4) striking out the period at the end of subsection (h) and inserting in lieu thereof the following: " : *Provided*, That members serving as parents, in addition to reimbursement for necessary travel and subsistence, shall, at the discretion of the Secretary, be compensated for other personal expenses related to participation on the Council, such as child care expenses and lost wages during scheduled Council meetings."

REGULATIONS ON SALE OF COMPETITIVE FOODS

SEC. 17. Section 10 of the Child Nutrition Act of 1966 is amended by inserting "approved by the Secretary" after "competitive foods" in the second sentence. 42 USC 1779.

NATIONAL ADVISORY COUNCIL ON THE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

SEC. 18. Section 17(h)(8) of the Child Nutrition Act of 1966 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "Provided, That parent recipient members of the Council, in addition to reimbursement for necessary travel and subsistence, shall, at the discretion of the Secretary, be compensated for other personal expenses related to participation on the Council, such as child care expenses and lost wages during scheduled Council meetings." 42 USC 1786.

TECHNICAL AMENDMENTS TO THE NATIONAL SCHOOL LUNCH ACT

SEC. 19. Effective July 1, 1977, the National School Lunch Act is amended by— Effective date.

(a) striking out "fiscal" the second and third time that word appears in section 6(e) of the Act and inserting in lieu thereof "school";

(b) amending section 7 of the Act as follows:

(1) by amending the first sentence to read as follows: "Funds appropriated to carry out section 4 or 5 during any fiscal year shall be available for payment to the States for disbursement by State educational agencies, in accordance with such agreements, not inconsistent with the provisions of this Act, as may be entered into by the Secretary and such State educational agencies, for the purpose of assisting schools of the States in supplying (1) agricultural commodities and other foods for consumption by children and (2) food service equipment assistance in furtherance of the school lunch program authorized under this Act."; 42 USC 1755. Payments to States. 42 USC 1756. 42 USC 1753, 1754.

(2) by striking out "fiscal" the second time that word appears in the third sentence and inserting in lieu thereof "fiscal or school"; 42 USC 1756.

(3) by striking out "fiscal" in the fourth sentence and inserting in lieu thereof "fiscal or school";

(4) by amending the sixth sentence to read as follows: "For the school year beginning in 1976, State revenue (other than revenues derived from the program) appropriated or used specifically for program purposes (other than salaries and administrative expenses at the State, as distinguished from local, level) shall constitute at least 8 percent of the matching requirement for the preceding school year, or, at the discretion of the Secretary, fiscal year, and for each school year thereafter, at least 10 percent of the matching requirement for the preceding school year.";

(c) inserting at the end of section 12(d) of the Act a new paragraph (7) as follows: "School year." 42 USC 1760.

"(7) 'School year' means the annual period determined in accordance with regulations issued by the Secretary."; and

(d) striking out "fiscal year" each time that phrase appears in the last sentence of section 17(e) of the Act and inserting in lieu thereof "school year". 42 USC 1766.

TECHNICAL AMENDMENTS TO THE CHILD NUTRITION ACT OF 1966

- Effective date. SEC. 20. Effective July 1, 1977, the Child Nutrition Act of 1966 is amended by—
- 42 USC 1772. (1) striking out “fiscal” the second and third time that word appears in the sixth sentence of section 3 of the Act and inserting in lieu thereof “school”;
- (2) striking out “thereafter, beginning with the fiscal year ending June 30, 1976,” in the sixth sentence of section 3 of the Act;
- 42 USC 1774. (3) striking out “fiscal” the first and second time that word appears in section 5(b) of the Act and inserting in lieu thereof “school”;
- (4) striking out “fiscal” each place that word appears in section 5(d) of the Act and inserting in lieu thereof “school”;
- “School year.” (5) inserting at the end of section 15 of the Act the following
- 42 USC 1784. new paragraph (e):
- “(e) ‘School year’ means the annual period determined in accordance with regulations issued by the Secretary.”; and
- (6) striking out “by January 1 of each year (by December 1 in the case of fiscal year 1976)” in the second sentence of section 17(d) of the Act and inserting in lieu thereof “each year by not later than a date specified by the Secretary”.
- 42 USC 1786.

Approved November 10, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-281 (Comm. on Education and Labor) and No. 95-708 (Comm. of Conference).

SENATE REPORTS: No. 95-277 accompanying S. 1420 (Comm. on Agriculture, Nutrition, and Forestry) and No. 95-504 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 18, considered and passed House.

June 30, considered and passed Senate, amended, in lieu of S. 1420.

Oct. 27, House agreed to conference report.

Oct. 28, Senate agreed to conference report.

Public Law 95-167
95th Congress

An Act

To amend the Federal charter of the Big Brothers of America to include Big Sisters International, Incorporated, and for other purposes.

Nov. 11, 1977
[S. 2208]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled “An Act to incorporate the Big Brothers of America”, approved September 2, 1958 (36 U.S.C. 881 et seq.) is amended—

Big Brothers of
America.
Federal charter,
amendment.

- (1) by inserting “(a)” before “the following”;
- (2) by striking out “Big Brothers of America” and inserting in lieu thereof “Big Brothers—Big Sisters of America”; and
- (3) by adding at the end thereof the following new subsection:

“(b) This Act may be cited as the ‘Big Brothers—Big Sisters of America.’”
- (b) Section 3 of such Act (36 U.S.C. 883) is amended—
 - (1) by striking out “boys” and inserting in lieu thereof “individuals”; and
 - (2) by striking out “and Canada”.
- (c) Section 5(a) of such Act (36 U.S.C. 885(a)) is amended by striking out “and in Canada to the extent permitted by Canadian laws”.
- (d) Section 7(a) of such Act (36 U.S.C. 887(a)) is amended by striking out “section 16” and inserting in lieu thereof “section 16(a)”.
 - (e) Section 15 of such Act (36 U.S.C. 895) is amended—
 - (1) by striking out “the name, The Big Brothers of America” and inserting in lieu thereof the following: “any of the following names: The Big Brothers of America; Big Sisters International, Incorporated; Big Sisters of America; Big Brothers; Big Sisters; Big Brothers—Big Sisters of America; and Big Sisters—Big Brothers”; and
 - (2) by striking out “section 16 of this title” and inserting in lieu thereof the following: “section 16(a) of this Act, and by the District of Columbia corporation, Big Sisters International, Incorporated, described in section 16(b) of this Act,”.
 - (f) Section 16 of such Act (36 U.S.C. 896) is amended—
 - (1) by inserting “(a)” before “The corporation”; and
 - (2) by adding at the end thereof the following new subsection:

“(b) The corporation may acquire the assets of Big Sisters International, Incorporated, a corporation organized under the laws of the District of Columbia, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the District of Columbia applicable thereto.”

SEC. 2. Paragraph (11) of the first section of the Act entitled “An Act to provide for audit of accounts of private corporations established under Federal Law”, approved August 30, 1964 (36 U.S.C. 1101(11)) is amended to read as follows:

“(11) Big Brothers—Big Sisters of America.”.

Approved November 11, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-750 accompanying H.R. 7249 (Comm. on the Judiciary).

SENATE REPORT No. 95-510 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Oct. 20, considered and passed Senate.

Oct. 31, Nov. 1, considered and passed House, in lieu of H.R. 7249.

Public Law 95-168
95th Congress

An Act

Granting an extension of patent to the United Daughters of the Confederacy.

Nov. 11, 1977

[S. 810]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain design patent issued by the United States Patent Office of date November 8, 1898, being patent numbered 29,611, which is the insignia of the United Daughters of the Confederacy, which was renewed and extended for a period of fourteen years by Public Law Numbered 213, Eighty-eighth Congress, approved December 18, 1963, is hereby renewed and extended for an additional period of fourteen years from and after the date of enactment of this Act, with all the rights and privileges pertaining to the same, being generally known as the insignia of the United Daughters of the Confederacy.

United
Daughters
of the
Confederacy.
Patent
extension.
77 Stat. 421.

Approved November 11, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-745 (Comm. on the Judiciary).
SENATE REPORT No. 95-152 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 123 (1977):
 May 13, considered and passed Senate.
 Oct. 31, considered and passed House.

Public Law 95-169
95th Congress

An Act

Nov. 12, 1977
[H.R. 2527]

To authorize the Secretary of Agriculture to convey certain lands in the Sierra National Forest, California, to the Madera Cemetery District.

Madera
Cemetery
District,
Madera,
Calif.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 2 of this Act, the Secretary of Agriculture is authorized and directed to convey to the Madera Cemetery District, Madera, California, all right, title, and interest of the United States in and to a tract of land comprising approximately twenty acres in the Sierra National Forest, Madera County, California, more particularly described as the south one-half of the northeast quarter of the northwest quarter of section 19, township 8 south, range 23 east, Mount Diablo meridian.

Easements.

SEC. 2. (a) The conveyance authorized by this Act shall reserve easements for existing facilities such as roads, telephone lines, pipelines, electric power transmission lines; and shall reserve such easements for roads as the Secretary of Agriculture finds necessary to assure access to lands of the United States or to meet public needs.

Payment.

(b) The conveyance authorized by this Act shall only be made if, within one year after the date of this Act the Madera Cemetery District makes payment for the tract at a price to be fixed by the Secretary of Agriculture through appraisal or otherwise, after he takes into consideration the purpose for which the lands are to be used.

Approved November 12, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-192 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 95-518 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 123 (1977):
May 2, considered and passed House.
Oct. 28, considered and passed Senate.

Public Law 95-170
95th Congress

An Act

To suspend until July 1, 1978, the rate of duty on mattress blanks of latex rubber, and for other purposes.

Nov. 12, 1977
[H.R. 2849]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 912.07 the following new item:

" | 912.08 | Mattress blanks of rubber latex (provided for in item 727.86, part 4A, schedule 7) | Free | No change | On or before 6/30/78 | ".

Mattress blanks of latex rubber, duty suspension. 19 USC 1202 app.

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Effective date. 19 USC 1202 app. note.

(c) Upon request therefor filed with the customs officer concerned on or before the ninetieth day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after May 9, 1977, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

19 USC 1514.

SEC. 2. (a) Subpart D of part 5 of schedule 7 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out item 734.97 and inserting in lieu thereof the following:

" | 734.98 | Bobsleds and luges of a kind used in international competition | Free | 9% ad val. | Free | 45% ad val. | ".
734.99 | Other |

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

Effective date. 19 USC 1202 note.

26 USC 507 note. SEC. 3. In determining whether a person is a substantial contributor within the meaning of section 507(d)(2) of the Internal Revenue Code of 1954 for purposes of applying section 4941 of such Code (relating to taxes on self-dealing), contributions made before October 9, 1969, which—

26 USC 507, 4941. (1) were made on account of or in lieu of payments required under a lease in effect before such date, and

Effective date. (2) were coincident with or by reason of the reduction in the required payments under such lease,

shall not be taken into account. For purposes of applying section 507(d)(2)(B)(iv) of such Code, the preceding sentence shall be treated as having taken effect on January 1, 1970.

Approved November 12, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-422 (Comm. on Ways and Means).

SENATE REPORT No. 95-433 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 123 (1977):

July 18, considered and passed House.

Sept. 21, considered and passed Senate, amended.

Oct. 25, House concurred in certain Senate amendments, in No. 7 with an amendment.

Oct. 27, Senate concurred in House amendment.

Public Law 95-171
95th Congress

An Act

To extend certain Social Security Act provisions, and for other purposes.

Nov. 12, 1977

[H.R. 3387]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 3 of Public Law 94-401 is amended—

(1) by inserting “and the fiscal year ending September 30, 1978,” after “1977,” in the matter preceding paragraph (1) of subsection (a);

(2) by inserting “and such fiscal year ending September 30, 1978,” after “1977,” in subsection (a) (1) (B);

(3) by striking out “or fiscal year” in subsection (a) (2) and inserting in lieu thereof “or either such fiscal year”;

(4) by striking out “or fiscal year” in subsections (b), (c) (1), and (c) (2) (A) and inserting in lieu thereof in each instance “or either fiscal year”;

(5) by inserting “, or the fiscal year ending September 30, 1978” before the period at the end of subsection (d) (1); and

(6) by striking out “for such fiscal year” in subsection (d) (2) and inserting in lieu thereof “for either such fiscal year”.

(b) Section 5(b) of Public Law 94-401 is amended by striking out “September 30, 1977” and “October 1, 1977” and inserting in lieu thereof “September 30, 1978” and “October 1, 1978”, respectively.

(c) Section 6 of Public Law 94-401 is amended by striking out “September 30, 1977” and “October 1, 1977” and inserting in lieu thereof “September 30, 1978” and “October 1, 1978”, respectively.

(d) Section 7(a) (3) of Public Law 93-647 is amended by striking out “October 1, 1977” and inserting in lieu thereof “October 1, 1978”.

(e) Section 50B(a) (2) (B) of the Internal Revenue Code of 1954 (definition of Federal welfare recipient employment incentive expenses) is amended by striking out “October 1, 1977” and inserting in lieu thereof “October 1, 1978”.

(f) The amendments made by this section shall be effective on October 1, 1977.

SEC. 2. (a) Section 3304(a) (6) (A) of the Internal Revenue Code (relating to approval of State unemployment compensation laws) is amended by striking out “and” at the end of clause (ii) and by adding at the end thereof the following new clause:

“(iv) with respect to any services described in clause (i) or (ii), compensation payable on the basis of services in any such capacity may be denied as specified in clauses (i), (ii), and (iii) to any individual who performed such services in an educational institution while in the employ of an educational service agency, and for this purpose the term ‘educational service agency’ means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions, and”.

(b) The amendments made by subsection (a) shall apply with respect to weeks of unemployment which begin after December 31, 1977.

Social Security Act, amendments. 42 USC 1397a note.

42 USC 1397a note.

42 USC 1397a note.

42 USC 1397b.

42 USC 1397 note.

26 USC 50B.

Effective date. 26 USC 50B note.

State unemployment compensation laws, approval. 26 USC 3304.

“Educational service agency.”

26 USC 3304 note.

42 USC 603.

SEC. 3. (a) (1) Section 403(a) of the Social Security Act is amended by striking out "10" in each of the last two sentences and inserting in lieu thereof "20".

Families with
dependent
children, aid
payments.

42 USC 606.

(2) Section 406(b) of such Act is amended—

(A) by striking out the semicolon at the end of clause (2) (E) and inserting in lieu thereof a period; and

(B) by adding at the end thereof (after and below clause (2) (E)) the following new sentences:

"Payments with respect to a dependent child which are intended to enable the recipient to pay for specific goods, services, or items recognized by the State agency as a part of the child's need under the State plan may (in the discretion of the State or local agency administering the plan in the political subdivision) be made, pursuant to a determination referred to in clause (2) (A), in the form of checks drawn jointly to the order of the recipient and the person furnishing such goods, services, or items and negotiable only upon endorsement by both such recipient and such person; and payments so made shall be considered for all of the purposes of this part to be payments described in clause (2). Whenever payments with respect to a dependent child are made in the manner described in clause (2) (including payments described in the preceding sentence), a statement of the specific reasons for making such payments in that manner (on which the determination under clause (2) (A) was based) shall be placed in the file maintained with respect to such child by the State or local agency administering the State plan in the political subdivision."

Effective date.

42 USC 603 note.

(3) The amendments made by this subsection shall apply with respect to payments of aid to families with dependent children made for months beginning on or after October 1, 1977.

State aid plans,
Federal financial
participation.
42 USC 606 note.
42 USC 602.

42 USC 302 note.

(b) Notwithstanding any other provision of law, Federal financial participation in aid to families with dependent children under a State plan approved under section 402 of the Social Security Act, for quarters (with respect to which expenditure reports were timely filed by the State) during the period beginning with the calendar quarter in which Public Law 90-248 was enacted and ending with the first calendar quarter of 1977, shall not be denied, on or after October 1, 1977, by reason of the provision of goods, services, or items in the form of a check which is drawn jointly to the order of the recipient and the person furnishing such goods, services, or items and which shows the purpose for which the check is drawn, or by reason of the failure of the State to meet the requirement of the last two sentences of section 403(a) of such Act or the failure of the State (or any political subdivision thereof) to carry out the functions and duties prescribed in clauses (A), (B), (C), and (E) of section 406(b) (2) of such Act, regardless of the form in which the aid involved was paid, if (and to the extent that) the amount of such aid was correct and the payment of the aid in that form did not result in assistance in cases or in amounts not authorized by or under part A of title IV of such Act.

SEC. 4. (a) Section 167(k) of the Internal Revenue Code of 1954 (relating to depreciation of expenditures to rehabilitate low-income rental housing) is amended by striking out "January 1, 1978" each place it appears and inserting in lieu thereof "January 1, 1979". 26 USC 167.

(b) Section 203(b) of the Tax Reform Act of 1976 is amended by striking out "and before January 1, 1978, and expenditures made pursuant to a binding contract entered into before January 1, 1978". 26 USC 167 note.

SEC. 5. Section 4(c) of the Act entitled "An Act to suspend until the close of June 30, 1975, the duty on certain carboxymethyl cellulose salts, and for other purposes", approved October 26, 1974 (Public Law 93-483), is amended to read as follows: 26 USC 117 note.

"(c) EFFECTIVE DATE.—The provisions of this section shall apply with respect to amounts received during calendar years 1973, 1974, and 1975, and, in the case of a member of a uniformed service receiving training after 1975 and before 1979 in programs described in subsection (a), with respect to amounts received after 1975 and before 1983." Effective date.

SEC. 6. (a) Section 2(b) of Public Law 94-331 is amended by striking out "and before December 31, 1976". 42 USC 1382a note.

(b) The effective date of this section shall be the first day of the calendar quarter following enactment of this Act. Effective date. 42 USC 1382a note.

SEC. 7. (a) Section 4(b) of Public Law 94-331 is amended by striking out "and before December 31, 1976". 42 USC 1382a note.

(b) The effective date of this section shall be the first day of the calendar quarter following enactment of this Act. Effective date. 42 USC 1382a note.

SEC. 8. (a) Section 1612(b) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (10) thereof, Interest income on assistance funds.

(2) by striking out the period at the end of paragraph (11) thereof and inserting in lieu of such period the following: "; and", 42 USC 1382a.

(3) by adding after and below paragraph (11) thereof the following new paragraph:

"(12) interest income received on assistance funds referred to in paragraph (11) within the 9-month period beginning on the date such funds are received (or such longer periods as the Secretary shall by regulations prescribe in cases where good cause is shown by the individual concerned for extending such period)."

(b) The amendment made by this section shall be effective July 1, 1976, with respect to catastrophes which occurred on or after June 1, 1976, and before December 31, 1976. With respect to catastrophes which occurred on or after December 31, 1976, the amendment made by this section shall be effective the first day of the calendar quarter following enactment of this Act. Effective date. 42 USC 1382a note.

SEC. 9. (a) The first sentence of section 1613(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (4) thereof, 42 USC 1382b.

(2) by striking out the period at the end of paragraph (5) thereof and inserting in lieu of such period the following: "; and", and

(3) by adding after and below paragraph (5) thereof the following new paragraph:

42 USC 1382a.

“(6) assistance referred to in section 1612(b)(11) for the 9-month period beginning on the date such funds are received (or for such longer period as the Secretary shall by regulations prescribe in cases where good cause is shown by the individual concerned for extending such period); and, for purposes of this paragraph, the term ‘assistance’ includes interest thereon which is excluded from income under section 1612(b)(12).”.

Effective date.
42 USC 1382b
note.

(b) The amendment made by this section shall be effective July 1, 1976, with respect to catastrophes which occurred on or after June 1, 1976, and before December 31, 1976. With respect to catastrophes which occurred on or after December 1, 1976, the amendment made by this section shall be effective the first day of the calendar quarter following enactment of this Act.

26 USC 3501.

SEC. 10. (a) Chapter 25 of the Internal Revenue Code of 1954 (relating to general provisions for employment taxes) is amended by adding at the end thereof the following new section:

26 USC 3506.

“SEC. 3506. INDIVIDUALS PROVIDING COMPANION SITTING PLACEMENT SERVICES.

“(a) IN GENERAL.—For purposes of this subtitle, a person engaged in the trade or business of putting sitters in touch with individuals who wish to employ them shall not be treated as the employer of such sitters (and such sitters shall not be treated as employees of such person) if such person does not pay or receive the salary or wages of the sitters and is compensated by the sitters or the persons who employ them on a fee basis.

“Sitters.”

“(b) DEFINITION.—For purposes of this section, the term ‘sitters’ means individuals who furnish personal attendance, companionship, or household care services to children or to individuals who are elderly or disabled.

Regulations.

“(c) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purpose of this section.”.

(b) The table of sections for such chapter is amended by adding at the end thereof the following new item:

“Sec. 3506. Individuals providing companion sitting placement services.”.

Effective date.
26 USC 3506
note.

(c) The amendments made by this section shall apply to remuneration received after December 31, 1974.

(d) The amendments made by this section shall not be construed as affecting (1) any individual’s right to receive unemployment compensation based on services performed before the date of the enactment of this Act, or (2) any individual’s eligibility for social security benefits to the extent based on services performed before that date.

SEC. 11. Section 457(c) of the Social Security Act is amended—

42 USC 657.

(a) in paragraph (1)—

(1) by striking out “such support payments” and inserting in lieu thereof “amounts of child support payments which represent monthly support payments”, and

(2) by inserting “, which represent monthly support payments,” immediately after “amounts so collected”, and

(b) in paragraph (2)—

(1) by striking out “such support payments” and inserting in lieu thereof “amounts of child support payments which represent monthly support payments”,

(2) by inserting “, which represents monthly support payments,” immediately after “amount so collected”, and

(3) by striking out the period at the end thereof and inserting in lieu of such period a comma, and

(c) by adding at the end thereof the following new provision: “and so much of any amounts of child support so collected as are in excess of the payments required to be made in paragraph (1) shall be distributed in the manner provided by subsection (b) (3) (A) and (B) with respect to excess amounts described in subsection (b).”

Child support
proceeds,
distribution.

Approved November 12, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-439 (Comm. on Ways and Means).

SENATE REPORT No. 95-456 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 123 (1977):

July 18, considered and passed House.

Oct. 17, considered and passed Senate, amended.

Oct. 25, House concurred in Senate amendment with an amendment.

Oct. 27, Senate concurred in House amendment.

Public Law 95-172
95th Congress

An Act

Nov. 12, 1977
[H.R. 3373]

To extend for an additional temporary period the existing suspension of duties on certain classifications of yarns of silk, and for other purposes.

Certain silk
yarns, duty
suspension,
extension;
Internal Revenue
Code of 1954,
amendment.
19 USC 1202
app.
Effective date.
19 USC 1202
app. note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) items 905.30 and 905.31 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "11/7/75" and inserting in lieu thereof "6/30/80".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(c) Upon request therefore filed with the customs officer concerned on or before the 90th day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after November 7, 1975, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

SEC. 2. (a) Section 4254 of the Internal Revenue Code of 1954 (relating to computation of tax) is amended by adding at the end thereof the following new subsection:

"(c) CERTAIN STATE AND LOCAL TAXES NOT INCLUDED.—For purposes of this subchapter, in determining the amounts paid for communications services, there shall not be included the amount of any State or local tax imposed on the furnishing or sale of such services, if the amount of such tax is separately stated in the bill."

(b) The amendment made by this section shall take effect only with respect to amounts paid pursuant to bills first rendered on or after the first day of the first month which begins more than 20 days after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of communications services rendered more than 2 months before the effective date provided in the preceding sentence, no bill shall be treated as having been first rendered on or after such effective date.

Approved November 12, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-426 (Comm. on Ways and Means).

SENATE REPORT No. 95-434 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 123 (1977):

July 18, considered and passed House.

Sept. 21, considered and passed Senate, amended.

Oct. 25, House concurred in certain Senate amendments, in others with amendment; disagreed to amendment no. 6.

Oct. 27, Senate receded and concurred in House amendments.

Effective date.
26 USC 4254
note.

19 USC 1514.

Computation of
tax.
26 USC 4254.

Public Law 95-173
95th Congress

An Act

To authorize appropriations for fiscal year 1978 for certain maritime programs of the Department of Commerce, and for other purposes.

Nov. 12, 1977
[S. 1019]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Maritime Appropriation Authorization Act for Fiscal Year 1978".

SEC. 2. Funds are authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Commerce, for the fiscal year 1978, as follows:

(1) for acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, not to exceed \$135,000,000;

(2) for payment of obligations incurred for operating-differential subsidy, not to exceed \$372,109,000: *Provided, however*, That no funds authorized by this paragraph may be paid after the 240th day after the date of the enactment of this Act to any liner company unless its chief executive officer certifies under oath to the Secretary of Commerce that he (A) is using and will use reasonable diligence to insure that, for the period during which these funds are to be received, no company owner, employee, or agent will pay any rebates which are illegal under the Shipping Act, 1916, and (B) will fully cooperate with the Federal Maritime Commission in its investigation of illegal rebating in United States foreign and domestic trades, and in its efforts to end such illegal procedures;

(3) for expenses necessary for research and development activities, not to exceed \$20,725,000;

(4) for reserve fleet expenses, not to exceed \$5,137,000;

(5) for maritime training at the Merchant Marine Academy at Kings Point, New York, not to exceed \$14,636,000; and

(6) for financial assistance to State marine schools, not to exceed \$5,970,000.

SEC. 3. There are authorized to be appropriated for the fiscal year 1978, in addition to the amounts authorized by section 2 of this Act, such additional supplemental amounts for the activities for which appropriations are authorized under section 2 of this Act, as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, and for increased costs of public utilities, food service, and other expenses of the Merchant Marine Academy at Kings Point, New York.

SEC. 4. Section 4 of the Maritime Academy Act of 1958 (46 U.S.C. 1383) is amended by striking out "\$75,000" and inserting in lieu thereof "\$100,000".

SEC. 5. Section 6(a) of the Maritime Academy Act of 1958, as amended (46 U.S.C. 1385(a)), is amended by striking out "\$600" and inserting in lieu thereof "\$1,200".

Maritime
Appropriation
Authorization Act
for Fiscal Year
1978.

Rebates,
prohibited use of
funds.
Certification.

46 USC 801.

Additional
appropriations.

SEC. 6. (a) Section 209(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1119(b)), is further amended by striking out "and" after the semicolon at the end of item (7), and by inserting immediately after item (8) the following new items:

46 USC 1126.

"(9) expenses necessary for extension and correspondence courses authorized under section 216(c) of this Act; and

"(10) other operations and training expenses related to the development of waterborne transportation systems, the use of waterborne transportation systems, or general administration;".

Effective date.
46 USC 1119
note.

(b) The amendment made by subsection (a) of this section shall be effective for fiscal years beginning after September 30, 1978.

SEC. 7. Subsections (c) and (d) of section 216 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1126), are each amended by striking out "Commission" wherever it appears therein and inserting in lieu thereof "Secretary of Commerce".

SEC. 8. Section 509 of the Merchant Marine Act, 1936 (46 U.S.C. 1159) is amended by inserting in the fourth sentence thereof immediately after "eight knots" the following: ", or in the case of a ferry operating solely in point-to-point transportation which is designed to be of not less than seventy-five gross tons and to be capable of a sustained speed of not less than eight knots.".

Assistant
Secretary of
Commerce,
establishment of
additional office.
15 USC 1507b.

SEC. 9. (a) There shall be in the Department of Commerce, in addition to the Assistant Secretaries provided by law as of the date of the enactment of this Act, one additional Assistant Secretary of Commerce who shall be appointed by the President, by and with the advice and consent of the Senate. Such Assistant Secretary shall receive compensation at the rate prescribed by law for Assistant Secretaries of Commerce, and shall perform such duties as the Secretary of Commerce shall prescribe.

(b) Section 5315 of title 5, United States Code, is amended by striking out paragraph (12) and inserting in lieu thereof:

"(12) Assistant Secretaries of Commerce (8).".

Approved November 12, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-332 accompanying H.R. 4963 (Comm. on Merchant Marine and Fisheries) and 95-747 (Comm. of Conference).

SENATE REPORT No. 95-160 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 24, considered and passed Senate.

July 13, considered and passed House, amended, in lieu of H.R. 4963.

Oct. 31, House agreed to conference report.

Nov. 1, Senate agreed to conference report.

Public Law 95-174
95th Congress

An Act

To authorize the Secretary of Agriculture to convey certain homesites within the Chugach and Tongass National Forests, Alaska.

Nov. 12, 1977

[S. 2118]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to convey the following tracts of national forest land in Alaska, occupied as homesites, to the present occupants of said lands or their lawful successors in interest: *Provided*, That such persons would otherwise qualify to purchase said lands under the requirements of the Act of May 14, 1898, as amended (43 U.S.C. 687a):

Chugach and
Tongass National
Forests, Alaska.
Conveyance.

Chugach National Forest

Homesite numbered 222, Clear Lake group, lot 3, United States survey numbered 4979, containing 1.58 acres.

Homesite numbered 205, Clear Lake group, lot 1, United States survey numbered 4979, containing 1.68 acres.

Homesite numbered 208, Heney Creek group, lot 31, United States survey numbered 3601, containing 3.03 acres.

Homesite numbered 210, Heney Creek group, lot 46, United States survey numbered 3601, containing 1.75 acres.

Homesite numbered 225, Lakeview group, lots M and LL, United States survey numbered 3533, containing 2.15 acres.

Homesite numbered 224, Lawing Extension group, lot 4, United States survey numbered 3532, containing 1.60 acres.

Homesite numbered 186, Snug Harbor group, lot 3, United States survey numbered 3531, containing 1.58 acres.

Tongass National Forest

Homesite numbered 1144, Gartina Game Creek group, lot 9, United States survey numbered 2414, containing 3.03 acres.

SEC. 2. Such conveyances shall be for the same consideration as established by the Act of May 14, 1898, as amended (43 U.S.C. 687a).

Approved November 12, 1977.

LEGISLATIVE HISTORY:

SENATE REPORT No. 95-527 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Oct. 28, considered and passed Senate.

Oct. 31, considered and passed House.

Public Law 95-175
95th Congress

An Act

Nov. 14, 1977

[S. 2052]

To extend the supervision of the United States Capitol Police to certain facilities leased by the Office of Technology Assessment.

United States
Capitol Police.
Supervision,
extension.
40 USC 212a
note.
D.C. Code 9-126
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the supervision of the United States Capitol Police shall extend over that part or parts of the premises located at 600 Pennsylvania Avenue, Southeast, Washington, District of Columbia, leased by the Office of Technology Assessment. In carrying out such supervision, the United States Capitol Police shall have within such part or parts jurisdiction, concurrent with that of the Metropolitan Police of the District of Columbia, to provide security for the personnel and property of the Office of Technology Assessment within such leased premises, and to make arrest therein for the violation of the laws and regulations of the United States and the District of Columbia.

Approved November 14, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-735 (Comm. on Public Works and Transportation).

SENATE REPORT No. 95-451 (Comm. on Rules and Administration).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Sept. 30, considered and passed Senate.

Nov. 1, considered and passed House.

Public Law 95-176
95th Congress

An Act

To amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes.

Nov. 14, 1977
[H.R. 4458]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5062 (b) of the Internal Revenue Code of 1954 is amended to read as follows:

Taxes.
Distilled spirits
or wines.
26 USC 5062.

“(b) **DRAWBACK.**—On the exportation of distilled spirits or wines manufactured, produced, bottled, or packaged in casks or other bulk containers in the United States on which an internal revenue tax has been paid or determined, and which are contained in any cask or other bulk container, or in bottles packed in cases or other containers, there shall be allowed, under regulations prescribed by the Secretary, a drawback equal in amount to the tax found to have been paid or determined on such distilled spirits or wines. In the case of distilled spirits, the preceding sentence shall not apply unless the claim for drawback is filed by the bottler or packager of the spirits and unless such spirits have been stamped or restamped, and marked, especially for export, under regulations prescribed by the Secretary. The Secretary is authorized to prescribe regulations governing the determination and payment or crediting of drawback of internal revenue tax on spirits and wines eligible for drawback under this subsection, including the requirements of such notices, bonds, bills of lading, and other evidence indicating payment or determination of tax and exportation as shall be deemed necessary.”

Claim, filing.

Regulations.

SEC. 2. (a) Section 5215 of the Internal Revenue Code of 1954 is amended to read as follows:

26 USC 5215.

“SEC. 5215. RETURN OF TAX DETERMINED DISTILLED SPIRITS TO BONDED PREMISES.

“(a) **GENERAL.**—On such application and under such regulations as the Secretary may prescribe, distilled spirits withdrawn from bonded premises on payment or determination of tax (other than products to which any alcoholic ingredients other than such distilled spirits have been added) may be returned to the bonded premises of a distilled spirits plant. Such returned distilled spirits shall be destroyed, denatured, or redistilled, or shall be mingled as authorized in section 5234(a) (1) (other than subparagraph (C) thereof).

Application.

26 USC 5234.

“(b) **DISTILLED SPIRITS RETURNED TO BONDED PREMISES FOR STORAGE PENDING EXPORTATION.**—On such application and under such conditions as the Secretary may by regulations prescribe, distilled spirits which would be eligible for allowance of drawback under section 5062(b) on exportation, may be returned by the bottler or packager of such distilled spirits to an export storage facility on the bonded premises of the distilled spirits plant where bottled or packaged, solely for the purpose of storage pending withdrawal without payment of tax under section 5214(a) (4), (7), (8), or (9), or free of tax under section 7510.

Application.

Supra.

Post, p. 1365.
26 USC 7510.

“(c) **DISTILLED SPIRITS STAMPED AND LABELED AS BOTTLED IN BOND.**—On such application and under such regulations as the Secretary may prescribe, a proprietor of bonded premises who has bottled

Application.

26 USC 5178. distilled spirits under section 5178(a)(4)(A)(ii), which are stamped and labeled as bottled in bond for domestic consumption, may return cases of such bottled distilled spirits to appropriate storage facilities on the bonded premises of the distilled spirits plant where bottled for storage pending withdrawal for any purpose for which distilled spirits bottled under section 5178(a)(4)(A)(i) may be withdrawn from bonded premises.

“(d) **APPLICABILITY OF CHAPTER TO DISTILLED SPIRITS RETURNED TO BONDED PREMISES.**—Except as otherwise provided in this section, all provisions of this chapter applicable to distilled spirits in bond shall be applicable to distilled spirits returned to bonded premises under the provisions of this section on such return.

“(e) **CROSS REFERENCES.**—

“(1) For provisions relating to the remission, abatement, credit, or refund of tax on distilled spirits returned to bonded premises under this section, see section 5008(d).

“(2) For provisions relating to the establishment of an export storage facility on the bonded premises of a distilled spirits plant, see section 5178(a)(3)(D).”

Bonded
warehousing
facilities,
export storage.
26 USC 5178.

(b) Section 5178(a)(3) of such Code is amended by adding at the end thereof the following new subparagraph:

“(D) A proprietor who has established facilities for the storage on bonded premises of distilled spirits under subparagraph (C) may establish a portion of such premises as an export storage facility for the storage of distilled spirits returned to bonded premises under section 5215(b).”

Ante, p. 1363.
Stamps.
26 USC 5205.

(c) Section 5205(c)(2) of such Code is amended by adding at the end thereof the following new sentence: “This paragraph shall also apply to every container of distilled spirits returned to the bonded premises under the provisions of section 5215(b).”

Distilled spirits,
foreign embassy
use.
26 USC 5066.

(d) The heading and the first sentence of paragraph (1) of section 5066(a) of such Code are amended to read as follows:

“(1) **BOTTLED DISTILLED SPIRITS WITHDRAWN FROM BONDED PREMISES.**—Under such regulations as the Secretary may prescribe, distilled spirits bottled in bond for export under the provisions of section 5233, or bottled distilled spirits returned to bonded premises under section 5215(b), may be withdrawn from bonded premises as provided in section 5214(a)(4) for transfer to customs bonded warehouses in which imported distilled spirits are permitted to be stored in bond for entry therein pending withdrawal therefrom as provided in subsection (b).”

Records and
reports.
26 USC 5207.

(e) Section 5207(a) of such Code is amended—

(1) by striking out “and” at the end of paragraph (9),

(2) by redesignating present paragraph (10) as (11), and

(3) by inserting after paragraph (9) the following new paragraph:

“(10) the kind and quantity of distilled spirits returned to bonded premises, and”.

Abatement,
remittance,
credit or refund.
26 USC 5008.

(f) Section 5008(d) of such Code is amended to read as follows:

“(d) **DISTILLED SPIRITS RETURNED TO BONDED PREMISES.**—

“(1) **GENERAL.**—Whenever any distilled spirits withdrawn from bonded premises on payment or determination of tax are returned to the bonded premises of a distilled spirits plant under section 5215(a), the Secretary shall abate, remit, or (without interest) credit or refund the tax imposed under section 5001(a)(1) (or the tax equal to such tax imposed under section 7652) on the spirits so returned.

26 USC 5001.
26 USC 7652.

"(2) **DISTILLED SPIRITS RETURNED TO BONDED PREMISES FOR STORAGE PENDING EXPORTATION.**—Whenever any distilled spirits are returned under section 5215(b) to the bonded premises of a distilled spirits plant, the Secretary shall (without interest) credit or refund the internal revenue tax found to have been paid or determined with respect to such distilled spirits. Such amount of tax shall be the same amount which would be allowed as a drawback under section 5062(b) on the exportation of such distilled spirits.

Credit or refund.
Ante, p. 1363.

Amount.

Ante, p. 1363.

"(3) **DISTILLED SPIRITS STAMPED AND LABELED AS BOTTLED IN BOND.**—Whenever any distilled spirits are returned under section 5215(c) to the bonded premises of a distilled spirits plant, the Secretary shall (without interest) credit or refund the tax imposed under section 5001(a) (1) on the spirits so returned.

Credit or refund.

26 USC 5001.
Claim, filing.

"(4) **LIMITATION.**—No allowance under paragraph (1), (2), or (3) shall be made unless a claim is filed under such regulations as the Secretary may prescribe, by the proprietor of the distilled spirits plant to which the distilled spirits are returned within 6 months of the date of return."

SEC. 3. (a) Section 5214(a) (9) of the Internal Revenue Code of 1954 is amended to read as follows:

26 USC 5214.

"(9) without payment of tax, in the case of distilled spirits bottled in bond for export under section 5233 or distilled spirits returned to bonded premises under section 5215(b), for transfer (for the purpose of storage pending exportation) to any customs bonded warehouse from which distilled spirits may be exported, and distilled spirits transferred to a customs bonded warehouse under this paragraph shall be entered, stored, and accounted for under such regulations and bonds as the Secretary may prescribe; or"

26 USC 5233.

(b) Section 5175(a) of such Code is amended to read as follows:

Export bonds.

"(a) **REQUIREMENTS.**—No distilled spirits shall be withdrawn from bonded premises for exportation, or for transfer to a customs bonded warehouse for storage therein pending exportation, without payment of tax unless the exporter has furnished bond to cover such withdrawal under such regulations and conditions, and in such form and penal sum, as the Secretary may prescribe."

26 USC 5175.

(c) Section 5003 of such Code is amended by striking out "manufacturing" in paragraph (9) and inserting before the period at the end of paragraph (9) "and section 5214(a) (9)".

26 USC 5003.

Supra.

(d) Section 5214(b) of such Code is amended by adding at the end thereof the following new paragraph:

"(7) **For provisions relating to distilled spirits for use of foreign embassies, legations, etc., see section 5066.**"

SEC. 4. (a) Section 5214(a) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new paragraph:

Supra.

"(10) without payment of tax by a proprietor of bonded premises for use in research, development, or testing (other than consumer testing or other market analysis) of processes, systems, materials, or equipment, relating to distilled spirits or distillery operations, under such limitations and conditions as to quantities, use, and accountability as the Secretary may by regulations require for the protection of the revenue."

- Liability.
26 USC 5005. (b) Section 5005(e) (2) of such Code is amended to read as follows:
“(2) **RELIEF FROM LIABILITY.**—All persons liable for the tax on distilled spirits under paragraph (1) of this subsection, or under subsection (a) or (b), or under any similar prior provisions of internal revenue law, shall be relieved of any such liability at the time, as the case may be, the distilled spirits are exported, deposited in a foreign-trade zone, used in the production of wine, deposited in customs bonded warehouses, laden as supplies upon, or used in the maintenance or repair of, certain vessels or aircraft, or used in certain research, development, or testing, as provided by law.”
- Liens.
26 USC 5004. (c) (1) Section 5004(a) (2) (B) of such Code is amended by striking out “(9), or” and inserting “or” after “(2),”.
(2) Section 5004(a) (2) (C) of such Code is amended to read as follows:
“(C) exported, deposited in a foreign-trade zone, used in the production of wine, laden as supplies upon, or used in the maintenance or repair of, certain vessels or aircraft, deposited in a customs bonded warehouse, or used in certain research, development, or testing, as provided by law.”
- 26 USC 5008. (d) (1) Section 5005(d) of such Code is amended by striking out “(3), or (9)” and inserting “or (3)” after “(2),”.
(2) Section 5005(e) (1) of such Code is amended by striking out “section 5214(a) (4), (5), (6), (7), or (8),” and inserting “section 5214(a) (4), (5), (6), (7), (8), (9), or (10),”.
(e) (1) Section 5008(f) (3) of such Code is amended by striking “and” at the end thereof.
(2) Section 5008(f) (4) of such Code is amended by striking out the period at the end thereof and inserting in lieu thereof “; and”.
(3) Section 5008(f) of such Code is amended by adding at the end thereof the following:
“(5) the customs bonded warehouse in the case of withdrawal under sections 5066 and 5214(a) (9).
The provisions of subsection (a) shall be applicable to loss of distilled spirits withdrawn from bonded premises without payment of tax under section 5214(a) (10) for certain research, development, or testing, until such distilled spirits are used as provided by law.”
- Ante*, pp. 1364, 1365. (f) Paragraph (14) of section 5003 of such Code is amended to read as follows:
“(14) **For provisions authorizing the withdrawal of distilled spirits without payment of tax for use in certain research, development, or testing, see section 5214(a) (10).**”
- Mingling and blending.
26 USC 5234. **SEC. 5.** (a) (1) Section 5234(a) (2) of such Code is amended by striking from the heading “FOR FURTHER STORAGE IN BOND.”.
(2) So much of the first sentence of section 5234(a) (2) of such Code as follows subparagraph (C) thereof is amended to read as follows:
“(D) which have been stored in internal revenue bond in the same kind of cooperage for not less than 4 years (or 2 years in the case of rum or brandy),
may, within 20 years of the date of original entry for deposit of the spirits, be mingled on bonded premises.”
- Rectification tax, exemption.
26 USC 5025. (b) Section 5025(e) (7) of such Code is amended by striking out “for further storage in bond”.

SEC. 6. Section 5025(b) of the Internal Revenue Code of 1954 is amended by inserting “, or the extracted oils of such,” after “other natural aromatics”.

26 USC 5025.

SEC. 7. The amendments made by this Act shall take effect on the first day of the first calendar month which begins more than 90 days after the date of the enactment of this Act.

Effective date.
26 USC 5003
note.

Approved November 14, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-761 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Oct. 31, considered and passed House.

Nov. 1, considered and passed Senate.

Public Law 95-177
95th Congress

An Act

Nov. 15, 1977

[H.R. 7278]

To amend section 10 of the Merchant Marine Act, 1936.

Merchant Marine
Act, 1936,
amendment.

Obsolete vessels,
acquisition.
Mariner class
vessels,
exchange.
46 USC 1191.
64 Stat. 1225.
Valuation.

Excess, payment.

46 USC 808,
835.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 510(i) of the Merchant Marine Act, 1936 (46 U.S.C. 1160(i)) is hereby amended to read as follows:

“(i) The Secretary of Commerce is authorized to acquire mariner class vessels constructed under title VII of this Act and Public Law 911, Eighty-first Congress, and other suitable vessels, constructed in the United States, which have never been under foreign documentation, in exchange for obsolete vessels in the National Defense Reserve Fleet. For purposes of this subsection, the trade-in and trade-out vessels shall be valued at the higher of their scrap value in domestic or foreign markets as of the date of the exchange: *Provided*, That in any exchange transactions, the value assigned to the traded-in and traded-out vessels will be determined on the same basis. The value of the traded-out vessels shall be as nearly as possible equal to the value of the traded-in vessel plus the fair value of the cost of towing the traded-out vessel to the place of scrapping. To the extent the value of the traded-out vessel exceeds the value of the traded-in vessel plus the fair value of the cost of towing, the owner of the traded-in vessel shall pay the excess to the Secretary of Commerce in cash at the time of exchange. This excess shall be deposited into the Vessel Operations Revolving Fund and all costs incident to the lay-up of the vessels acquired under this Act may be paid from balances in the Fund. No payments shall be made by the Secretary of Commerce to the owner of any traded-in vessel in connection with any exchange under this subsection. Notwithstanding the provisions of sections 9 and 37 of the Shipping Act, 1916, vessels traded out under this subsection may be scrapped in approved foreign markets. The provision of this subsection (i) as it read prior to the 1975 amendment shall govern all transactions made thereunder prior to that amendment.”.

Approved November 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-727 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 123 (1977):
Oct. 25, considered and passed House.
Nov. 1, considered and passed Senate.

Public Law 95-178
95th Congress

An Act

To amend the Alaska Native Claims Settlement Act.

Nov. 15, 1977

[H.R. 8499]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16(b) of the Act of December 18, 1971 (85 Stat. 688, 705), as amended (43 U.S.C. 1615), is further amended by deleting the last sentence thereof.

SEC. 2. Section 14(h) (8) of the Act of December 18, 1971 (85 Stat. 688, 705), is amended by designating the existing paragraph as paragraph "(A)" and adding the following new paragraph (B):

"(B) Such allocation as the Regional Corporation for southeastern Alaska shall receive under this paragraph shall be selected and conveyed from lands that were withdrawn by subsections 16(a) and 16(d) and not selected by the Village Corporations in southeastern Alaska; except lands on Admiralty Island in the Angoon withdrawal area and, without the consent of the Governor of the State of Alaska or his delegate, lands in the Saxman and Yakutat withdrawal areas are not available for selection or conveyance under this paragraph."

SEC. 3. (a) Subsection (b) of section 12 of the Act of January 2, 1976 (Public Law 94-204), as amended by the Act of October 4, 1976 (Public Law 94-456), is hereby amended to add at the end thereof the following new paragraphs:

Any provision of law to the contrary notwithstanding, if the Region, the Secretary, and/or the Administrator of General Services do not complete the nomination of lands referred to in subparagraphs (5) and (6) of this subsection by the dates set in subparagraphs I(C)(1)(b) and I(C)(2)(a) of the document referred to in this subsection, then, and in that event, these dates shall hereby automatically be extended by operation of this subsection for eighteen months. If these dates are hereby extended, the Secretary shall report to Congress at least thirty days prior to the occurrence of each such date as extended concerning the need for further remedial legislation.

Any provision of law to the contrary notwithstanding, the United States shall accept upon tender the State Deed of Title, including the State's legal descriptions, for lands to be reconveyed to the Cook Inlet Region, Incorporated, pursuant to subsection (a) (1) of this section without requiring further survey prior to acceptance. Unless the boundaries of such lands have been specifically identified in a survey approved by the State or Federal Government, such lands shall be described by a metes and bounds description, or by aliquot parts of the Federal rectangular survey system, based wherever possible upon the Federal surveys initially performed to effect transfer and patent of said lands to the State of Alaska. Upon acceptance of a State Deed of Title said lands are hereby withdrawn from entry under the public land laws. Within sixty days the Secretary shall, without adjudication, issue conveyance to said lands of the interests conveyed by the State subject to any lawful reservations of rights or conditions contained in such State conveyance, as provided in the Terms and Conditions document, to Cook Inlet Region, Incorporated, with patent to issue thereafter immediately following approval of survey. The Secre-

Alaska Native
Claims
Settlement Act,
amendment.
Land conveyance,
authorization.
43 USC 1613.

Cook Inlet area,
ownership
consolidation.
43 USC 1611
note.

Nomination of
lands, extension.

Report to
Congress.

State lands,
transfer and
conveyance.

tary is authorized hereby to identify and reserve within two years after initial conveyance any easement he could have lawfully reserved prior to conveyance, and to issue immediately thereafter a revised conveyance reflecting such reservation, subject to the agreement of January 18, 1977, between the Secretary of the Interior, Cook Inlet Region, Incorporated, and certain of the villages contained therein. The Secretary may initiate such easement identification and reservation procedure before the tender of the State Deed of Title, but initiation of such procedure shall not affect the timely issuance of conveyance by the Secretary as provided hereby.

(b) If any provision of this Act or the applicability thereof is held invalid, the validity of the remainder of this Act, of section 12 of the Act of January 2, 1976 (Public Law 94-204), as amended, of the document referred to in section 12(b) thereof, and the duties and obligations of the Secretary of the Interior, the State of Alaska, and Cook Inlet Region, Incorporated, with respect thereto, shall not be affected thereby.

43 USC 1611
note.

Regional
Corporation's
assignments,
recognition.
43 USC 1628.

SEC. 4. The Alaska Native Claims Settlement Act (85 Stat. 688), as amended (43 U.S.C. 1601), is further amended by adding a new section at the end thereof:

"Sec. 31. (a) Notwithstanding the provision of section 3477 of the Revised Statutes, as amended (31 U.S.C. 203), the Secretary is authorized to recognize validly executed assignments made by Regional Corporations of their rights to receive payments from the Alaska Native Fund. Such assignments shall only be recognized to the extent that the Regional Corporation involved is not required to distribute funds pursuant to subsection (j) or (m) of section 7 of this Act.

43 USC 1606.

"(b) The Secretary shall not recognize any assignment under this section which does not provide that the United States reserves the right to assert against the assignee and successors of the assignee, any setoff or counterclaim which the United States has against the assignor Corporation.

"(c) No stockholder of any Regional or Village Corporation shall have any claim against the Secretary or the United States as the result of any assignment duly recognized by the Secretary pursuant to this section."

Approved November 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-712 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Oct. 31, considered and passed House.

Nov. 1, considered and passed Senate, amended.

Nov. 3, House concurred in Senate amendments.

Public Law 95-179
95th Congress

An Act

To amend title 3 of the United States Code to change the name of the Executive Protective Service.

Nov. 15, 1977
[H.R. 8992]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 3 of title 3 of the United States Code is amended by striking out “Executive Protective Service” each place it appears in such chapter and inserting in lieu thereof at each such place the following: “United States Secret Service Uniformed Division”. Any reference in any other law or in any regulation, document, record, or other paper of the United States to the Executive Protective Service shall be held to be a reference to the United States Secret Service Uniformed Division.

Executive
Protective
Service.
Name change.
3 USC 202-204,
206, 207.
3 USC 202 note.

Approved November 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-737 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Nov. 1, considered and passed House.

Nov. 3, considered and passed Senate.

Public Law 95-180
95th Congress

An Act

Nov. 15, 1977
[H.R. 9512]

To amend the Higher Education Act of 1965 to include the Trust Territory of the Pacific Islands in the definition of the term "State" for the purpose of participation in programs authorized by that Act.

- Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) subsection (b) of section 1201 of the Higher Education Act of 1965 is amended to read as follows:
- "(b) The term 'State' includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the government of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands."
- (b) Subsection (a) of section 491 of the Higher Education Act of 1965 is amended by striking out "includes the Trust Territory of the Pacific Islands" and inserting in lieu thereof "has the meaning set forth in section 1201(b)".
- (c) Sections 602(a)(2), 1001(b)(2), and 1012(a) of the Higher Education Act of 1965 are each amended by inserting ", the government of the Northern Mariana Islands, the Trust Territory of the Pacific Islands" after "American Samoa".
- (d) Nothing in this Act, the Higher Education Act of 1965, or any other provision of law shall invalidate any payments or other benefits provided under the Higher Education Act of 1965 to an agency or institution in the Trust Territory of the Pacific Islands or to the government of the Northern Mariana Islands prior to the enactment of this Act.

Higher Education
Act of 1965,
amendment.
20 USC 1141.

20 USC 1088.

20 USC 1122,
1135, 1135a-1.

20 USC 1141
note.

Approved November 15, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

Oct. 18, considered and passed House.

Nov. 2, considered and passed Senate.

Public Law 95-181
95th Congress

An Act

To amend the Federal Crop Insurance Act, and for other purposes.

Nov. 15, 1977

[H.R. 9704]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 504(a) of the Federal Crop Insurance Act, as amended, is amended to read as follows:

Federal Crop
Insurance Act,
amendment.
Ante, p. 228.
7 USC 1504.

"SEC. 504. (a) The Corporation shall have a capital stock of \$200,000,000 subscribed by the United States of America, payment for which shall, with the approval of the Secretary of Agriculture, be subject to call in whole or in part by the Board of Directors of the Corporation."

SEC. 2. The Secretary of Agriculture shall undertake an immediate study of alternative programs which could be established for an all-risk, all-crop insurance to help provide protection to those suffering crop losses in floods, droughts, and other natural disasters, including alternative methods of administration, Federal assistance, reinsurance, rate setting and private insurance industry involvement, as well as variations on the existing crop insurance program, and such other matters as he determines are relevant, and shall report his findings and recommendations to the President for transmission to the Congress by March 1, 1978. The Secretary shall consult with the Secretary of Housing and Urban Development on behalf of the Federal Insurance Administration; the Secretary of Treasury and representatives of the private insurance industry in the course of the study and shall identify the views of each in forwarding his findings and recommendations to the President. Such sums, not exceeding \$200,000, as are appropriated for fiscal year 1978 under section 504 of the Federal Crop Insurance Act, as amended, may be utilized to conduct such a study.

Study.
Report to
President,
transmittal to
Congress.
7 USC 1508
note.

Approved November 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-772 (Comm. on Agriculture).

SENATE REPORT No. 95-553 (Comm. on Agriculture, Nutrition, and Forestry).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Nov. 1, considered and passed House.

Nov. 3, considered and passed Senate.

Public Law 95-182
95th Congress

An Act

Nov. 15, 1977
[H.R. 9836]

To authorize the Architect of the Capitol to furnish chilled water to the Folger Shakespeare Library.

Folger
Shakespeare
Library.
Airconditioning
system, water
supply.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol, under the direction of the House Office Building Commission, is authorized after the date of enactment of this Act to furnish chilled water for airconditioning from the Capitol Power Plant to the Folger Shakespeare Library. Such chilled water shall be furnished only on condition (1) that the United States be paid for such chilled water at rates, not less than cost, determined by the Architect of the Capitol with the approval of the House Office Building Commission, and (2) that such building is connected with the Capitol Power Plant chilled water lines without cost to the United States and in a manner satisfactory to the Architect of the Capitol and the House Office Building Commission. Any amounts received in payment for chilled water so furnished shall be covered into the Treasury of the United States as miscellaneous receipts.

Approved November 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-797 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 123 (1977):
Nov. 3, considered and passed House and Senate.

Public Law 95-183
95th Congress

An Act

To authorize appropriations for the Energy Research and Development Administration for national security programs for fiscal years 1977 and 1978, and for other purposes.

Nov. 15, 1977

[S. 1339]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Research and Development Administration Authorization Act of 1977 and 1978—Military Applications".

Energy Research
and Development
Administration
Authorization
Act of 1977 and
1978—Military
Applications.

TITLE I—NATIONAL SECURITY PROGRAMS—FISCAL
YEAR 1977

AUTHORIZATION OF FUNDS

SEC. 101. Funds heretofore appropriated by Public Law 94-355 (90 Stat. 889) for the national security programs of the Energy Research and Development Administration for operating expenses and for plant and capital equipment, including construction, acquisition, or modification of facilities (including land acquisition), and for acquisition and fabrication of capital equipment not related to construction, are hereby authorized to be appropriated.

TITLE II—NATIONAL SECURITY PROGRAMS—FISCAL
YEAR 1978

OPERATING EXPENSES

SEC. 201. Funds are hereby authorized to be appropriated to the Energy Research and Development Administration for fiscal year 1978 for operating expenses, incurred in carrying out national security programs, as follows:

- (1) For weapons activities, \$1,181,000,000.
- (2) For special materials production, \$416,400,000.
- (3) For laser fusion, \$116,200,000.
- (4) For naval reactor development, \$211,700,000.
- (5) For program management and support, \$40,800,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 202. Funds are hereby authorized to be appropriated to the Energy Research and Development Administration for fiscal year 1978 for plant and capital equipment, including planning, construction, acquisition, or modification of facilities (including land acquisition), and for acquisition and fabrication of capital equipment not related to construction, necessary for national security programs, as follows:

- (1) For laser fusion:
Project 78-4-a, high energy laser facility (NOVA), Lawrence Livermore Laboratory, California, \$8,000,000.
- (2) For weapons activities:

Project 78-16-a, cruise missile production facilities, various locations, \$18,100,000.

Project 78-16-b, full fuzing option (FUFO) bomb production facilities, various locations, \$43,000,000.

Project 78-16-c, high explosive flash radiography facility, Lawrence Livermore Laboratory, California, \$5,000,000.

Project 78-16-d, weapons safeguards, various locations, \$17,000,000.

Project 78-16-e, new weapons production installations, various locations, \$2,000,000.

Project 78-16-f, replace 10-inch water main, Bendix Plant, Kansas City, Missouri, \$2,000,000.

Project 78-16-g, radioactive liquid waste improvement, Los Alamos Scientific Laboratory, New Mexico (A-E only), \$600,000.

Project 78-16-h, Tonopah Test Range upgrade, Sandia Laboratories, Albuquerque, New Mexico, \$4,000,000.

Project 78-16-i, laboratory support complex, Los Alamos Scientific Laboratory, New Mexico (A-E only), \$2,000,000.

Project 78-17-a, production component warehouse, Pantex Plant, Amarillo, Texas (A-E only), \$250,000.

Project 78-17-b, surface water control system, Rocky Flats Plant, Colorado, \$2,800,000.

Project 78-17-c, core facilities office building, utilities and roads, Lawrence Livermore Laboratory, California (A-E only), \$1,300,000.

Project 78-17-d, steam plant improvements, Y-12 Plant, Oak Ridge, Tennessee (A-E and long lead procurement only), \$3,000,000.

Project 78-17-e, high explosive machining facility, Pantex Plant, Amarillo, Texas, \$5,000,000.

(3) For special materials production:

Project 78-18-a, high level waste storage and waste management facilities, Richland, Washington, \$18,000,000.

Project 78-18-b, high level waste storage facilities, Savannah River, South Carolina, \$42,000,000.

Project 78-18-c, fifth set of calcined solids storage bins, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$12,500,000.

Project 78-18-d, new hydrofracture facility, Oak Ridge National Laboratory, Oak Ridge, Tennessee, \$5,400,000.

Project 78-18-e, environmental, safety and security improvements to waste management and materials processing facilities, Richland, Washington, \$15,500,000.

Project 78-18-f, powerhouse emission control improvements, Richland, Washington, \$6,500,000.

Project 78-18-g, fanhouse and increased fan capacity, H chemical separations area, Savannah River, South Carolina, \$3,400,000.

Project 78-18-h, plantwide fire protection, Savannah River, South Carolina, \$6,300,000.

Project 78-18-i, improved emergency coolant supply in reactor areas, Savannah River, South Carolina, \$3,500,000.

Project 78-18-j, N-reactor environmental improvements, Richland, Washington, \$7,500,000.

- (4) For project 78-21, General Plant Projects—
 - (A) for weapons activities, \$24,000,000,
 - (B) for special materials production, \$12,000,000, and
 - (C) for naval reactor development, \$2,800,000.
- (5) For project 78-22, construction planning and design, \$5,000,000.
- (6) For capital equipment not related to construction—
 - (A) for weapons activities, \$79,000,000,
 - (B) for special materials production, \$36,700,000,
 - (C) for laser fusion, \$13,200,000,
 - (D) for naval reactor development, \$15,150,000, and
 - (E) for program management and support, \$300,000.

ADDITIONAL AUTHORIZATIONS FOR PREVIOUSLY AUTHORIZED PROJECTS

SEC. 203. Funds are hereby authorized to be appropriated to the Energy Research and Development Administration for fiscal year 1978, for projects previously authorized, as follows:

(1) For project 71-9, fire, safety, and adequacy of operating conditions projects, various locations, \$40,000,000, for a total authorization of \$280,000,000.

(2) For project 75-1-c, new waste calcining facility, Idaho Chemical Processing Plant, National Reactor Testing Station, Idaho, \$28,500,000, for a total authorization of \$65,000,000.

(3) For project 75-3-b, high energy laser facility, Los Alamos Scientific Laboratory, New Mexico, \$31,900,000, for a total authorization of \$54,500,000.

(4) For project 77-3-a, electron beam fusion facilities, Sandia Laboratories, Albuquerque, New Mexico, \$4,400,000, for a total authorization of \$13,500,000.

(5) For project 77-11-a, safeguards and research and development laboratory facility, Sandia Laboratories, Albuquerque, New Mexico, \$4,300,000, for a total authorization of \$8,300,000.

(6) For project 77-11-b, safeguards and site security improvements, various locations, \$7,800,000, for a total authorization of \$13,500,000.

(7) For project 77-11-c, 8-inch artillery fired atomic projectile production facilities, various locations, \$12,600,000, for a total authorization of \$22,600,000.

(8) For project 77-13-a, fluorinel dissolution process and fuel receiving improvements, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho (A-E and long-lead procurement), \$5,000,000, for a total authorization of \$15,000,000.

(9) For project 77-13-d, high level waste storage and waste management facilities, Savannah River, South Carolina, \$31,000,000, for a total authorization of \$56,000,000.

(10) For project 77-13-e, high level waste storage and handling facilities, Richland, Washington, \$22,000,000, for a total authorization of \$40,000,000.

(11) For project 77-13-f, waste isolation pilot plant (A-E, land acquisition, and long-lead procurement), Delaware Basin, southeast New Mexico, \$22,000,000, for a total authorization of \$28,000,000.

(12) For project 77-13-g, safeguards and security upgrading production facilities, multiple sites, \$8,700,000, for a total authorization of \$16,400,000.

TITLE III—GENERAL PROVISIONS

REPROGRAMMING

Notice to
congressional
committees.

SEC. 301. Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by this Act, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after the receipt by the Committee on Armed Services and on Appropriations of the House of Representatives and the Senate of notice given by the Administrator of Energy Research and Development (hereinafter in this title referred to as the "Administrator") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

PROJECT COST VARIATION PROVISIONS

Notice to
congressional
committees.

SEC. 302. (a) No project for which appropriations are authorized in section 202 (1), (2), or (3) may be started if the current estimated cost of such project exceeds by more than 25 percent the amount authorized for such project.

(b) At any time the current estimated cost of any such project under construction exceeds by more than 25 percent the total amount authorized by law for such project, the Administrator shall (1) promptly notify the appropriate committees of the Congress of such fact and include in the notification an explanation for the increased cost of the project and the revised current estimated cost figures for such project, and (2) not proceed with such project unless and until additional funds for such project are authorized by law.

(c) The provisions of this section shall not apply to any project which has a current estimated cost of less than \$5,000,000.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 303. The Administrator is authorized to start any project set forth under section 202(4) only if—

(1) the then maximum currently estimated cost of such project does not exceed \$750,000 and the then maximum currently estimated cost of any building included in such project does not exceed \$300,000, except that the building cost limitation may be exceeded if the Administrator determines that it is necessary to do so in the interest of efficiency and economy; and

(2) the total cost of all projects undertaken under such section does not exceed the estimated cost set forth in such section by more than 25 percent.

AUTHORITY TO MERGE FUNDS

SEC. 304. Subject to the applicable requirements and limitations of this Act and to the extent specified in appropriation Acts, amounts appropriated to the Energy Research and Development Administration pursuant to this Act for operating expenses or for plant and capital equipment may be merged with any other amounts appropriated for operating expenses or for plant and capital equipment, respectively, pursuant to any other Act authorizing appropriations for the Energy Research and Development Administration.

FUNDS TO REMAIN AVAILABLE UNTIL EXPENDED

SEC. 305. To the extent specified in appropriation Acts, amounts appropriated pursuant to this Act for operating expenses or plant and capital equipment may remain available until expended.

AVAILABILITY OF FUNDS

SEC. 306. Subject to the provisions of section 301(2), amounts appropriated pursuant to this Act for activities under sections 202(4) and 202(5) are available for use, when necessary, in connection with all national security programs of the Energy Research and Development Administration.

AUTHORIZATION TO PERFORM CONSTRUCTION DESIGN SERVICES

SEC. 307. The Administrator is authorized to perform construction design services for any construction project of the Energy Research and Development Administration in support of national security programs in amounts not in excess of the amount specified in section 202(5).

AUTHORITY TO USE CERTAIN MONEYS AND FEES

SEC. 308. To the extent specified in appropriation Acts, any moneys received by the Energy Research and Development Administration (except sums received from disposal of property under the Atomic Energy Community Act of 1955 (42 U.S.C. 2301) and the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98) and fees received for tests or investigations under the Act of May 16, 1910 (30 U.S.C. 7)), may be retained and used for operating expenses, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and may remain available until expended.

AUTHORITY TO TRANSFER FUNDS TO OTHER AGENCIES

SEC. 309. To the extent specified in appropriation Acts, funds appropriated to the Energy Research and Development Administration for operating expenses may be transferred to other agencies of the Government for the performance of work for which such funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which transferred.

REFERENCES

SEC. 310. All references in this Act to the Energy Research and Development Administration and the Administrator of Energy Research and Development shall be deemed to be references to the Department of Energy and the Secretary of Energy, respectively.

Approved November 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-272, pt. 1 (Comm. on Armed Services) and No. 95-272, pt. 2 (Comm. on Science and Technology) both accompanying H.R. 6566 and No. 95-775 (Comm. of Conference).

SENATE REPORT No. 95-212 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May. 23, considered and passed Senate.

Sept. 13, 28, H.R. 6566 considered in House.

Sept. 29, considered and passed House, amended, in lieu of H.R. 6566.

Nov. 2, House agreed to conference report.

Nov. 3, Senate agreed to conference report.

Public Law 95-184
95th Congress

An Act

To authorize appropriations during fiscal year 1978, in addition to amounts previously authorized, for procurement of aircraft and missiles for the Navy and the Air Force and for research, development, test, and evaluation for the Air Force and the Defense agencies, and for other purposes.

Nov. 15, 1977

[S. 1863]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Department of Defense Supplemental Appropriation Authorization Act, 1978”.

Department of
 Defense
 Supplemental
 Appropriation
 Authorization
 Act, 1978.

TITLE I—PROCUREMENT

SEC. 101. In addition to the funds authorized to be appropriated under title I of the Department of Defense Appropriation Authorization Act, 1978, funds are hereby authorized to be appropriated during fiscal year 1978 for the use of the Navy and the Air Force for procurement of aircraft and missiles, as authorized by law, in amounts as follows:

Ante, p. 323.

- (1) For aircraft: for the Navy, \$73,900,000; for the Air Force, \$33,000,000.
- (2) For missiles: for the Air Force, \$64,000,000.

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND
 EVALUATION**

SEC. 201. In addition to the funds authorized to be appropriated under title II of the Department of Defense Appropriation Authorization Act, 1978, funds are hereby authorized to be appropriated during fiscal year 1978 for the use of the Air Force and the Defense agencies for research, development, test, and evaluation, as authorized by law, in amounts as follows:

Ante, p. 323.

- (1) For the Air Force, \$290,500,000, of which \$15,000,000 is authorized for the study of wide-bodied aircraft as strategic cruise missile carriers.
- (2) For the Defense agencies, \$15,000,000.

SEC. 202. (a) Section 202(a)(2) of the Department of Defense Appropriation Authorization Act, 1978 (Public Law 95-79), is amended by striking out “before January 1, 1980” and inserting in lieu thereof “not later than July 1, 1981”.

Ante, p. 324.

(b) The amendment made by subsection (a) shall take effect October 1, 1977.

Effective date.

Cruise missile
program,
Presidential
recommendations.
10 USC 2203
note.
31 USC 1301
note.
31 USC 1.

SEC. 203. In authorizing funds under this Act, Congress asserts its readiness to consider, in accordance with the processes set forth in the Congressional Budget and Impoundment Control Act of 1974 and the Budget and Accounting Act, 1921, such modifications in the United States cruise missile programs as the President may recommend to facilitate either negotiation or agreement in arms limitation or reduction talks.

Approved November 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-614 accompanying H.R. 8390 (Comm. on Armed Services), and No. 95-777 (Comm. of Conference).

SENATE REPORT No. 95-455 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Oct. 7, considered and passed Senate.

Oct. 12, considered and passed House, amended, in lieu of H.R. 8390.

Oct. 2, House agreed to conference report.

Oct. 3, Senate agreed to conference report.

Public Law 95-185
95th Congress

An Act

To amend section 441 of the District of Columbia Self-Government and
Governmental Reorganization Act.

Nov. 15, 1977

[S. 1062]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 441 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code sec. 47-101) as amended by Public Law 93-395 (88 Stat. 793) is further amended by adding at the end thereof: "However, the fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year."

D.C. Armory
Board.
Fiscal to calendar
year change.

SEC. 2. Section 10 of the Act "To establish a District of Columbia Armory Board and for other purposes", approved June 4, 1948 (D.C. Code, sec. 2-1710), is amended by striking out "January" and inserting in lieu thereof "July".

Annual report to
Congress.

SEC. 3. Section 10 of the District of Columbia Stadium Act of 1957, approved September 7, 1957 (D.C. Code, sec. 2-1728), is amended by striking out "January" and inserting in lieu thereof "July".

Annual report to
Congress.

Approved November 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-751 (Comm. on the District of Columbia).

SENATE REPORT No. 95-225 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May. 26, considered and passed Senate.

Nov. 2, considered and passed House.

Public Law 95-186
95th Congress

An Act

Nov. 16, 1977
[H.R. 9019]

To rescind certain budget authority contained in the message of the President of July 19, 1977 (H. Doc. 95-188), transmitted pursuant to the Impoundment Control Act of 1974.

Budget authority
rescissions.

31 USC 1301
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following rescissions of budget authority proposed in the message of the President of July 19, 1977 (H. Doc. 95-188), are made pursuant to the Impoundment Control Act of 1974, namely:

CHAPTER I

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY CREDIT SALES

90 Stat. 1465.

Of the funds appropriated under this head in the Foreign Assistance and Related Programs Appropriations Act, 1977, \$21,090,000 are rescinded.

CHAPTER II

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

ALTERATIONS AND MAJOR REPAIRS

Ante, p. 61.

Of the funds appropriated under this head in the Supplemental Appropriations Act, 1977, \$75,000,000 are rescinded.

Approved November 16, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-625 (Comm. on Appropriations).
SENATE REPORT No. 95-563 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 123 (1977):
Sept. 29, considered and passed House.
Nov. 1, considered and passed Senate.

Public Law 95-187
95th Congress

An Act

To amend the Urban Mass Transportation Act of 1964 to revise the program of Federal operating assistance provided under section 17 of such Act.

Nov. 16, 1977
[H.R. 8346]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 17 of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out “50 percent” in subsection (d) (4) and inserting in lieu thereof “80 percent”;

(2) by striking out “and” at the end of subsection (d) (3);

(3) by striking out the period at the end of subsection (d) (4) and inserting in lieu thereof “; and”;

(4) by inserting the following new paragraph after subsection (d) (4):

“(5) 50 percent for the 24-month period succeeding the period specified in subparagraph (4) of this subsection.”;

(5) by striking out the last sentence of subsection (d); and

(6) by striking out “\$125,000,000” in the first sentence of subsection (f) and inserting in lieu thereof “\$185,000,000” and by amending the second sentence of such subsection to read as follows: “There are authorized to be appropriated for liquidation of the obligations incurred under this section not to exceed \$40,000,000 by September 30, 1976, \$95,000,000 by September 30, 1977, \$125,000,000 by September 30, 1978, \$155,000,000 by September 30, 1979, and \$185,000,000 by September 30, 1980.”.

SEC. 2. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

“SEC. 18. (a) The Secretary shall provide financial assistance annually for the purpose of reimbursing States, local public bodies and agencies thereof for the cost of financially supporting or operating rail passenger service provided by railroads designated as class I.

“(b) Financial assistance under subsection (a) of this section shall not be available to support (1) intercity rail passenger service provided pursuant to an agreement with the National Railroad Passenger Corporation under section 403 (b) (2) of the Rail Passenger Service Act of 1970, as amended (45 U.S.C. 562(b)); and (2) rail passenger service required by section 304(e) (4) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 744(e)).

“(c) The Secretary shall distribute financial assistance authorized by subsection (a) pro rata on the basis of the passenger-miles attributable to each eligible rail passenger service, except that (1) for the purposes of such apportionment in no case shall any State, local public body or agency thereof supporting or operating rail passenger service eligible for assistance under this section be credited with more than 30 per centum of the total passenger miles eligible for such assistance for the calendar year ending immediately prior to the commencement of the Federal fiscal year for which the distribution is made, and (2) no Federal grant for the payment of subsidies for operating expenses shall exceed 50 per centum of the total operating losses of such service.

Urban Mass
Transportation
Act of 1964,
amendment.
Federal operating
assistance
program,
revision.
49 USC 1613.

Rail passenger
service,
reimbursement to
States.
49 USC 1614.

Intercity rail
passenger
service,
exclusion.

Pro rata
passenger-miles
distribution.

Operating
expenses, use of
funds.

“(d) Financial assistance authorized by subsection (a) may be applied to the payment of operating expenses or programs to correct deferred maintenance within the meaning of section 304(e)(5)(C) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 744(e)), but in no case may it exceed the total of the amounts applied by the grantee from its own funds to the payment of operating expenses and programs to correct deferred maintenance for the same fiscal period.

“(e) Financial assistance provided pursuant to subsection (a) of this section shall be subject to such terms, conditions, requirements, and provisions as the Secretary may deem necessary and appropriate.

Appropriation
authorization.

“(f) To finance assistance under this section, the Secretary may incur obligations on behalf of the United States in the form of grants, contract agreements, or otherwise, in such amounts as are provided in appropriations Acts, in an aggregate not to exceed \$20,000,000. There are authorized to be appropriated for liquidation of the obligations incurred under this section not to exceed \$20,000,000 by September 30, 1979, such sum to remain available until expended.”.

Approved November 16, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-732 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Oct. 25, considered and passed House.

Nov. 2, considered and passed Senate, amended.

Nov. 3, House agreed to Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 47:

Nov. 16, Presidential statement.

Public Law 95-188
95th Congress

An Act

To extend the authority for the flexible regulation of interest rates on deposits and accounts in depository institutions, to promote the accountability of the Federal Reserve System, and for other purposes.

Nov. 16, 1977
[H.R. 9710]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Depository
institutions.
Interest rate
controls,
extension.

TITLE I—REGULATION OF INTEREST RATES

SEC. 101. Section 7 of the Act of September 21, 1966 (Public Law 89-597), is amended by striking out “December 15, 1977” and inserting in lieu thereof “December 15, 1978”.

12 USC 461 note.

TITLE II—AMENDMENTS TO THE FEDERAL
RESERVE ACT

Federal Reserve
Reform Act of
1977.

SEC. 201. This title may be cited as the “Federal Reserve Reform Act of 1977”.

12 USC 226
note.

CONGRESSIONAL-FEDERAL RESERVE DIALOG ON MONETARY POLICY

SEC. 202. Insert a new section 2A immediately after section 2 of the Federal Reserve Act to read as follows:

“GENERAL POLICY: CONGRESSIONAL REVIEW

“SEC. 2A. The Board of Governors of the Federal Reserve System and the Federal Open Market Committee shall maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates. The Board of Governors shall consult with Congress at semiannual hearings before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives about the Board of Governors' and the Federal Open Market Committee's objectives and plans with respect to the ranges of growth or diminution of monetary and credit aggregates for the upcoming twelve months, taking account of past and prospective developments in production, employment, and prices. Nothing in this Act shall be interpreted to require that such ranges of growth or diminution be achieved if the Board of Governors and the Federal Open Market Committee determine that they cannot or should not be achieved because of changing conditions.”.

12 USC 225a.

Semiannual
hearings before
congressional
committees.

BOARD OF DIRECTORS OF FEDERAL RESERVE BANKS

SEC. 202. The following paragraphs of section 4 of the Federal Reserve Act are amended:

(a) the tenth paragraph by inserting after the comma the following: “without discrimination on the basis of race, creed, color, sex, or national origin,”.

12 USC 301
and note.
12 USC 302.

12 USC 302.

(b) the eleventh paragraph by striking all after “members,” and substituting “who shall represent the public and shall be elected without discrimination on the basis of race, creed, color, sex, or national origin, and with due but not exclusive consideration to the interests of agriculture, commerce, industry, services, labor, and consumers.”.

12 USC 302.

(c) the twelfth paragraph by inserting immediately after the first sentence thereof the following sentence: “They shall be elected to represent the public, without discrimination on the basis of race, creed, color, sex, or national origin, and with due but not exclusive consideration to the interests of agriculture, commerce, industry, services, labor, and consumers.”.

SENATE CONFIRMATION OF CHAIRMAN AND VICE CHAIRMAN OF BOARD OF GOVERNORS

SEC. 204. (a) The third sentence of the second paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 242) is amended to read as follows: “Of the persons thus appointed, one shall be designated by the President, by and with the advice and consent of the Senate, to serve as Chairman of the Board for a term of four years, and one shall be designated by the President, by and with the consent of the Senate, to serve as Vice Chairman of the Board for a term of four years.”.

Effective date.
12 USC 242 note.

(b) The amendment made by subsection (a) takes effect on January 1, 1979, and applies to individuals who are designated by the President on or after such date to serve as Chairman or Vice Chairman of the Board of Governors of the Federal Reserve System.

CONFLICTS OF INTEREST

SEC. 205. (a) Subsection 208(a) of title 18, United States Code, is amended by adding “a Federal Reserve bank director, officer, or employee,” immediately before “or of the District of Columbia”.

(b) Subsection 208(b) of title 18, United States Code, is amended by adding the following new sentence at the end thereof: “In the case of class A and B directors of Federal Reserve banks, the Board of Governors of the Federal Reserve System shall be the Government official responsible for appointment.”.

REFERENCES TO FEDERAL RESERVE ACT PARAGRAPHS

12 USC 226.

SEC. 206. References in this title to paragraphs of the Federal Reserve Act refer to the paragraphs as designated in the compilation of the Federal Reserve Act as amended through 1974, compiled under the direction of the Board of Governors of the Federal Reserve System in its legal division.

TITLE III—AMENDMENTS TO THE BANK HOLDING COMPANY ACT OF 1956

Acquired shares,
disposition, time
extension.

SEC. 301. (a) Section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)) is amended by inserting after the second sentence the following new sentence: “The Board is authorized upon application by a bank to extend, from time to time for not more than

one year at a time, the two-year period referred to above for disposing of any shares acquired by a bank in the regular course of securing or collecting a debt previously contracted in good faith, if, in the Board's judgment, such an extension would not be detrimental to the public interest, but no such extension shall in the aggregate exceed three years."

(b) Section 2(a)(5)(D) of such Act (12 U.S.C. 1841(a)(5)(D)) is amended by adding at the end thereof the following new sentence: "The Board is authorized upon application by a company to extend, from time to time for not more than one year at a time, the two-year period referred to herein for disposing of any shares acquired by a company in the regular course of securing or collecting a debt previously contracted in good faith, if, in the Board's judgment, such an extension would not be detrimental to the public interest, but no such extension shall in the aggregate exceed three years."

(c) Section 4(c)(2) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1843(c)(2)), is amended by striking out "shares acquired by a bank in satisfaction of a debt previously contracted in good faith, but such bank shall dispose of such shares within a period of two years" and inserting in lieu thereof the following: "shares acquired by a bank holding company or any of its subsidiaries in satisfaction of a debt previously contracted in good faith, but such shares shall be disposed of within a period of two years".

Sec. 302. Section 3(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) is amended to read as follows:

"(b) Upon receiving from a company any application for approval under this section, the Board shall give notice to the Comptroller of the Currency, if the applicant company or any bank the voting shares or assets of which are sought to be required is a national banking association or a District bank, or to the appropriate supervisory authority of the interested State, if the applicant company or any bank the voting shares or assets of which are sought to be acquired is a State bank, in order to provide for the submission of the views and recommendations of the Comptroller of the Currency or the State supervisory authority, as the case may be. The views and recommendations shall be submitted within thirty calendar days of the date on which notice is given, or within ten calendar days of such date if the Board advises the Comptroller of the Currency or the State supervisory authority that an emergency exists requiring expeditious action. If the thirty-day notice period applies and if the Comptroller of the Currency or the State supervisory authority so notified by the Board disapproves the application in writing within this period, the Board shall forthwith give written notice of that fact to the applicant. Within three days after giving such notice to the applicant, the Board shall notify in writing the applicant and the disapproving authority of the date for commencement of a hearing by it on such application. Any such hearing shall be commenced not less than ten nor more than thirty days after the Board has given written notice to the applicant of the action of the disapproving authority. The length of any such hearing shall be determined by the Board, but it shall afford all interested parties a reasonable opportunity to testify at such hearing. At the conclusion thereof, the Board shall, by order, grant or deny the application on

Bank shares or assets, applications for acquisition. Notice to Comptroller of the Currency or State supervisory authority. Views and recommendations.

Disapproval.

Hearings.

Applications,
nonaction
deemed approval.

the basis of the record made at such hearing. In the event of the failure of the Board to act on any application for approval under this section within the ninety-one-day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted. Notwithstanding any other provision of this subsection, if the Board finds that it must act immediately on any application for approval under this section in order to prevent the probable failure of a bank or bank holding company involved in a proposed acquisition, merger, or consolidation transaction, the Board may dispense with the notice requirements of this subsection, and if notice is given, the Board may request that the views and recommendations of the Comptroller of the Currency or the State supervisory authority, as the case may be, be submitted immediately in any form or by any means acceptable to the Board. If the Board has found pursuant to this subsection either that an emergency exists requiring expeditious action or that it must act immediately to prevent probable failure, the Board may grant or deny any such application without a hearing notwithstanding any recommended disapproval by the appropriate supervisory authority."

Acquisitions,
mergers, and
consolidations.
Notification to
Attorney
General.
12 USC 1842.

SEC. 303. Section 11 (b) of the Bank Holding Company Act of 1966 (12 U.S.C. 1849) is amended to read as follows:

"(b) The Board shall immediately notify the Attorney General of any approval by it pursuant to section 3 of a proposed acquisition, merger, or consolidation transaction. If the Board has found that it must act immediately in order to prevent the probable failure of a bank or bank holding company involved in any such transaction, the transaction may be consummated immediately upon approval by the Board. If the Board has advised the Comptroller of the Currency or the State supervisory authority, as the case may be, of the existence of an emergency requiring expeditious action and has required the submission of views and recommendations within ten days, the transaction may not be consummated before the fifth calendar day after the date of approval by the Board. In all other cases, the transaction may not be consummated before the thirtieth calendar day after the date of approval by the Board. Any action brought under the antitrust laws arising out of an acquisition, merger, or consolidation transaction approved under section 3 shall be commenced prior to the earliest time under this subsection at which the transaction approval under section 3 might be consummated. The commencement of such an action shall stay the effectiveness of the Board's approval unless the court shall otherwise specifically order. In any such action, the court shall review de novo the issues presented. In any judicial proceeding attacking any acquisition, merger, or consolidation transaction approved pursuant to section 3 on the ground that such transaction alone and of itself constituted a violation of any antitrust laws other than section 2 of the Act of July 2, 1890 (section 2 of the Sherman Antitrust Act, 15 U.S.C. 2), the standards applied by the court shall be identical with those that the Board is directed to apply under section 3 of this Act. Upon the consummation of an acquisition, merger, or consolidation transaction approved under section 3 in compliance with this Act and after the termination of any antitrust litigation commenced within the period prescribed in this section, or upon the termination of such period if no such litigation is

Antitrust actions.

Judicial
standards.

commenced therein, the transaction may not thereafter be attacked in any judicial proceeding on the ground that it alone and of itself constituted a violation of any antitrust laws other than section 2 of the Act of July 2, 1890 (section 2 of the Sherman Antitrust Act, 15 U.S.C. 2), but nothing in this Act shall exempt any bank holding company involved in such a transaction from complying with the antitrust laws after the consummation of such transaction.”.

Approved November 16, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-774 (Comm. on Banking, Finance and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Oct. 31, considered and passed House.

Nov. 1, considered and passed Senate, amended.

Nov. 2, House concurred in Senate amendment.

Public Law 95-189
95th Congress

An Act

Nov. 16, 1977
[S. 2281]

Authorizing an increase in the monetary authorization for nine comprehensive river basin plans.

River basin
plans.
Monetary
authorization,
increase.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below:

Basin	Act of Congress	Amount
Alabama-Coosa River Basin.....	March 2, 1945.....	\$5, 000, 000
Arkansas River Basin.....	June 28, 1938.....	1, 000, 000
Brazos River Basin.....	September 3, 1954.....	14, 000, 000
Mississippi River and tributaries.....	May 15, 1928.....	22, 000, 000
Missouri River Basin.....	June 28, 1938.....	59, 000, 000
North Branch, Susquehanna River Basin.....	July 3, 1958.....	32, 000, 000
Ohio River Basin.....	June 22, 1936.....	18, 000, 000
San Joaquin River Basin.....	December 22, 1944.....	61, 000, 000
South Platte River Basin.....	May 17, 1950.....	3, 000, 000

(b) The total amount authorized to be appropriated by this title shall not exceed \$215,000,000.

Approved November 16, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-799, accompanying H.R. 9881 (Comm. on Public Works and Transportation).

SENATE REPORT No. 95-585 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Nov. 3, considered and passed Senate; considered and passed House, in lieu of H.R. 9881.

Public Law 95-190
95th Congress

An Act

To amend section 2 of the Safe Drinking Water Act (Public Law 93-523) to extend and increase authorizations provided for public water systems.

Nov. 16, 1977
[S. 1528]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Safe Drinking
Water
Amendments of
1977.
42 USC 201 note.

SHORT TITLE

SECTION 1. This Act may be cited as the "Safe Drinking Water Amendments of 1977".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 1442(c) of the Public Health Service Act is amended by inserting "other than subsection (a) (2) (B) and provisions relating to research" after "section"; by striking out "and"; and by striking out the period at the end thereof and substituting "; and \$17,000,000 for each of the fiscal years 1978 and 1979. There are authorized to be appropriated to carry out subsection (a) (2) (B) \$8,000,000 for each of the fiscal years 1978 and 1979."

42 USC 300j-1.

(b) Section 1443(a) (5) of such Act is amended by striking out "and" and by inserting before the period at the end thereof: ", \$35,000,000 for fiscal year 1978, and \$45,000,000 for fiscal year 1979".

Grants for State
programs.
42 USC 300j-2.

(c) Section 1443(b) (5) of such Act is amended by striking out "and", and by inserting before the period at the end thereof: ", and \$10,000,000 for each of the fiscal years 1978 and 1979".

(d) Section 3(c) of the Safe Drinking Water Act is amended by striking out "and" and by inserting "; and \$1,000,000 for each of fiscal years 1978 and 1979" after "1977".

Rural water
survey.
42 USC 300f
note.
42 USC 300f
note.
42 USC 300f.

(e) Nothing in this Act shall be construed to authorize the appropriation of any amount for research under title XIV of the Public Health Service Act (relating to safe drinking water).

STUDIES

SEC. 3. (a) Section 1442(a) (3) of the Public Health Service Act is amended by inserting "(A)" after "(3)" and by adding the following at the end thereof:

42 USC 300j-1.

"(B) Not later than eighteen months after the date of enactment of this subparagraph, the Administrator shall submit a report to Congress which identifies and analyzes—

Report to
Congress.

"(i) the anticipated costs of compliance with interim and revised national primary drinking water regulations and the anticipated costs to States and units of local governments in implementing such regulations;

"(ii) alternative methods of (including alternative treatment techniques for) compliance with such regulations;

"(iii) methods of paying the costs of compliance by public water systems with national primary drinking water regulations, including user charges, State or local taxes or subsidies, Federal grants (including planning or construction grants, or both), loans,

and loan guarantees, and other methods of assisting in paying the costs of such compliance;

“(iv) the advantages and disadvantages of each of the methods referred to in clauses (ii) and (iii);

“(v) the sources of revenue presently available (and projected to be available) to public water systems to meet current and future expenses; and

“(vi) the costs of drinking water paid by residential and industrial consumers in a sample of large, medium, and small public water systems and of individually owned wells, and the reasons for any differences in such costs.

Recommendations.

Report to Congress.
42 USC 300j-1.

The report required by this subparagraph shall identify and analyze the items required in clauses (i) through (v) separately with respect to public water systems serving small communities. The report required by this subparagraph shall include such recommendations as the Administrator deems appropriate.”.

(b) Section 1442 of such Act is amended by redesignating subsection (c) as (e) and by inserting the following new subsection after subsection (b):

“(c) Not later than eighteen months after the date of enactment of this subsection, the Administrator shall submit a report to Congress on the present and projected future availability of an adequate and dependable supply of safe drinking water to meet present and projected future need. Such report shall include an analysis of the future demand for drinking water and other competing uses of water, the availability and use of methods to conserve water or reduce demand, the adequacy of present measures to assure adequate and dependable supplies of safe drinking water, and the problems (financial, legal, or other) which need to be resolved in order to assure the availability of such supplies for the future. Existing information and data compiled by the National Water Commission and others shall be utilized to the extent possible.”.

42 USC 300g-1.

(c) Section 1412(e) (2) of such Act is amended by inserting before the period at the end of the first sentence thereof the following: “, and revisions thereof reflecting new information which has become available since the most recent previous report shall be reported to the Congress each two years thereafter”.

42 USC 300f note.

Ante, p. 1393.

Contaminants, studies.

(d) Section 3(b) of the Safe Drinking Water Act is amended by striking out “for transmittal” and inserting “and” in lieu thereof.

(e) (1) Section 1442(a) of such Act is amended by adding the following new paragraphs at the end thereof:

“(10) The Administrator shall carry out a study of the reaction of chlorine and humic acids and the effects of the contaminants which result from such reaction on public health and on the safety of drinking water, including any carcinogenic effect.

“(11) The Administrator shall carry out a study of polychlorinated biphenyl contamination of actual or potential sources of drinking water, contamination of such sources by other substances known or suspected to be harmful to public health, the effects of such contamination, and means of removing, treating, or otherwise controlling such contamination. To assist in carrying out this paragraph, the Administrator is authorized to make grants to public agencies and private nonprofit institutions.”.

Grants.

42 USC 300f note.

42 USC 300f.

(2) Nothing in this Act shall be construed to alter or affect the Administrator's authority or duty under title 14 of the Public Health Service Act to promulgate regulations or take other action with respect to any contaminant.

TRAINING

SEC. 4. Section 1442 of the Public Health Service Act, as amended by section 3(b) of this Act, is further amended by inserting the following new subsection after subsection (c):

Grants.
Ante, p. 1394.

“(d) The Administrator shall—

“(1) provide training for, and make grants for training (including postgraduate training) of (A) personnel of State agencies which have primary enforcement responsibility and of agencies or units of local government to which enforcement responsibilities have been delegated by the State, and (B) personnel who manage or operate public water systems, and

“(2) make grants for postgraduate training of individuals (including grants to educational institutions for traineeships) for purposes of qualifying such individuals to work as personnel referred to in paragraph (1).

Reasonable fees may be charged for training provided under paragraph (1) (B) to persons other than personnel of State or local agencies but such training shall be provided to personnel of State or local agencies without charge.”

Fees.

GRANTS FOR STATE PROGRAMS

SEC. 5. (a) Section 1443(a) of the Public Health Service Act is amended by redesignating paragraph (5) as paragraph (7) and by inserting after paragraph (4) the following new paragraphs:

Prohibition,
waiver.
Ante, p. 1393.

“(5) The prohibition contained in the last sentence of paragraph (2) may be waived by the Administrator with respect to a grant to a State through fiscal year 1979 but such prohibition may only be waived if, in the judgment of the Administrator—

“(A) the State is making a diligent effort to assume and maintain primary enforcement responsibility for public water systems within the State;

“(B) the State has made significant progress toward assuming and maintaining such primary enforcement responsibility; and

“(C) there is reason to believe the State will assume such primary enforcement responsibility by October 1, 1979.

The amount of any grant awarded for the fiscal years 1978 and 1979 pursuant to a waiver under this paragraph may not exceed 75 per centum of the allotment which the State would have received for such fiscal year if it had assumed and maintained such primary enforcement responsibility. The remaining 25 per centum of the amount allotted to such State for such fiscal year shall be retained by the Administrator, and the Administrator may award such amount to such State at such time as the State assumes such responsibility before the beginning of fiscal year 1980. At the beginning of each fiscal years 1979 and 1980 the amounts retained by the Administrator for any preceding fiscal year and not awarded by the beginning of fiscal year 1979 or 1980 to the States to which such amounts were originally allotted may be removed from the original allotment and reallocated for fiscal year 1979 or 1980 (as the case may be) to States which have assumed primary enforcement responsibility by the beginning of such fiscal year.

Allotment
limitations.

“(6) The Administrator shall notify the State of the approval or disapproval of any application for a grant under this section—

Applications,
notification to
States.

“(A) within ninety days after receipt of such application, or

“(B) not later than the first day of the fiscal year for which the grant application is made, whichever is later.”

EXTENSION OF DEADLINE FOR STATE UNDERGROUND INJECTION CONTROL
PROGRAMS

42 USC 300h-1.

SEC. 6. (a) Section 1422(b)(1)(A) of the Public Health Service Act is amended by inserting the following new sentence at the end thereof: "The Administrator may, for good cause, extend the date for submission of an application by any State under this subparagraph for a period not to exceed an additional 270 days."

Regulations.
42 USC 300h.

(b) Section 1421(b) of such Act is amended by inserting the following new paragraph at the end thereof:

"(3)(A) The regulations of the Administrator under this section shall permit or provide for consideration of varying geologic, hydrological, or historical conditions in different States and in different areas within a State.

"(B)(i) In prescribing regulations under this section the Administrator shall, to the extent feasible, avoid promulgation of requirements which would unnecessarily disrupt State underground injection control programs which are in effect and being enforced in a substantial number or States.

"(ii) For the purpose of this subparagraph, a regulation prescribed by the Administrator under this section shall be deemed to disrupt a State underground injection control program only if it would be infeasible to comply with both such regulation and the State underground injection control program.

"(iii) For the purpose of this subparagraph, a regulation prescribed by the Administrator under this section shall be deemed unnecessary only if, without such regulation, underground sources of drinking water will not be endangered by any underground injection.

"(C) Nothing in this section shall be construed to alter or affect the duty to assure that underground sources of drinking water will not be endangered by any underground injection."

EXTENSION OF AUTHORITY TO ASSURE AVAILABILITY OF CHEMICALS
NEEDED FOR WATER TREATMENT

42 USC 300j.

SEC. 7. Section 1441(f) of the Public Health Service Act is amended by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1979".

FEDERAL AGENCIES

42 USC 300j-6.

SEC. 8. (a) Section 1447(a) of the Public Health Service Act is amended to read as follows:

"FEDERAL AGENCIES

"SEC. 1447. (a) Each Federal agency (1) having jurisdiction over any federally owned or maintained public water system or (2) engaged in any activity resulting, or which may result in, underground injection which endangers drinking water (within the meaning of section 1421(d)(2)) shall be subject to, and comply with, all Federal, State, and local requirements, administrative authorities, and process and sanctions respecting the provision of safe drinking water and respecting any underground injection program in the same manner, and to the same extent, as any nongovernmental entity. The preceding sentence shall apply (A) to any requirement whether substantive or procedural

42 USC 300h.

(including any recordkeeping or reporting requirement, any requirement respecting permits, and any other requirement whatsoever), (B) to the exercise of any Federal, State, or local administrative authority, and (C) to any process or sanction, whether enforced in Federal, State, or local courts or in any other manner. This subsection shall apply, notwithstanding any immunity of such agencies, under any law or rule of law. No officer, agent, or employee of the United States shall be personally liable for any civil penalty under this title with respect to any act or omission within the scope of his official duties.”

Liability.

(b) Section 1401(12) of such Act is amended to read as follows:

“Person.”

“(12) The term ‘person’ means an individual, corporation, company, association, partnership, State, municipality, or Federal agency (and includes officers, employees, and agents of any corporation, company, association, State, municipality, or Federal agency).”

42 USC 300f.

(c) Section 1449(e) of such Act is amended by adding the following at the end thereof: “Nothing in this section or in any other law of the United States shall be construed to prohibit, exclude, or restrict any State or local government from—

Citizen’s civil actions.
42 USC 300j-8.

“(1) bringing any action or obtaining any remedy or sanction in any State or local court, or

“(2) bringing any administrative action or obtaining any administrative remedy or sanction,

against any agency of the United States under State or local law to enforce any requirement respecting the provision of safe drinking water or respecting any underground injection control program. Nothing in this section shall be construed to authorize judicial review of regulations or orders of the Administrator under this title, except as provided in section 1448. For provisions providing for application of certain requirements to such agencies in the same manner as to non-governmental entities, see section 1447.”

Judicial review.
42 USC 300j-7.

(d) Section 1447 of such Act is further amended by inserting at the end thereof a new subsection (c):

Ante, p. 1396;
Infra.
Federal agencies.
42 USC 300j-6.
Indian rights and sovereignty.

“(c) (1) Nothing in the Safe Drinking Water Amendments of 1977 shall be construed to alter or affect the status of American Indian lands or water rights nor to waive any sovereignty over Indian lands guaranteed by treaty or statute.

“(2) For the purposes of this Act, the term ‘Federal agency’ shall not be construed to refer to or include any American Indian tribe, nor to the Secretary of the Interior in his capacity as trustee of Indian lands.”

“Federal agency.”

EMERGENCY ASSISTANCE

SEC. 9. Section 1442(a)(2) of the Public Health Service Act is amended by inserting “(A)” after “(2)” and by adding the following new subparagraph at the end thereof:

42 USC 300j-1.

“(B) The Administrator is authorized to provide technical assistance and to make grants to States, or publicly owned water systems to assist in responding to and alleviating any emergency situation respecting drinking water which the Administrator determines (i) may reasonably be anticipated to endanger public health, and (ii) arises from unknown conditions or conditions which such entity is unable to remedy without such emergency assistance.”

Technical assistance and grants.

TECHNICAL AND CONFORMING AMENDMENTS

- 42 USC 300g-5. SEC. 10. (a) Section 1416(b)(1) of the Public Health Service Act is amended by striking out "containment" wherever it appears therein and by inserting in lieu thereof "contaminant".
- 42 USC 300j-1. (b) Section 1442(b)(3)(C) of such Act is amended by striking out "1443(d)" and by inserting in lieu thereof "1443(c)".

AGENCY PERSONNEL

- SEC. 11. (a) Subsection (a) of section 5108 of title 5, United States Code, is amended by striking out "an aggregate of 3,243" and inserting in lieu thereof "an aggregate of 3,293".
- 42 USC 300j-10. (b) To the extent that the Administrator of the Environmental Protection Agency deems such action necessary to the discharge of his functions under title XIV of the Public Health Service Act (relating to safe drinking water) and under other provisions of law, he may appoint personnel to fill not more than thirty scientific, engineering, professional, legal, and administrative positions within the Environmental Protection Agency without regard to the civil service laws and may fix the compensation of such personnel not in excess of the maximum rate payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code.
- 42 USC 300f.
- 5 USC 5332 note.

MONITORING OF UNREGULATED POLLUTANTS

- National drinking water regulations. *Ante*, p. 1394. SEC. 12. (a) Section 1412(e)(2) of the Public Health Service Act is amended by striking the word "and" at the end of clause (E) and by striking the period at the end of clause (F) and inserting in lieu thereof: "; and", and by adding the following new clause at the end thereof: "(G) periodic assessments and evaluations of unregulated contaminants which may require continuous monitoring or regulation.".
- State enforcement, failure. 42 USC 300g-3. (b)(1) Section 1414(c) of such Act is amended by striking out "form and manner for giving such notice. Such notice" and inserting in lieu thereof "form, manner, and frequency for giving notice under this subsection. Notice under the first sentence of this subsection".
- Contaminant levels, notice to water users. (2) Section 1414(c) is further amended by inserting: "The Administrator may also require the owner or operator of a public water system to give notice to the persons served by it of contaminant levels of any unregulated contaminant required to be monitored under section 1445(a)." after "issued by the system.".
- Infra*. (3) Section 1414(c) is further amended by striking out "thereunder" and inserting in lieu thereof "issued under this subsection".
- Records and inspections. 42 USC 300j-4. (c) Section 1445(a) of such Act is amended by striking out "or" before "in administering", and by inserting before the period at the end thereof: ", in evaluating the health risks of unregulated contaminants, or in advising the public of such risks".
- (d) Section 1445(b)(1) of such Act is amended by inserting "(A)" immediately after "person subject to", by striking out "or" after "1412" and inserting in lieu thereof ", (B) an", by striking out "(or person" and substituting the following: ", or (C) any requirement to monitor an unregulated contaminant pursuant to subsection (a), or

person", and by striking out the parenthesis after "or other person" and substituting "referred to in clause (A), (B), or (C)".

EMERGENCY ASSISTANCE

SEC. 13. Section 1442(a)(2)(B) of the Public Health Service Act, as amended by section 9 of this Act, is further amended by striking out "respecting drinking water" and all that follows down through the period at the end thereof and substituting: "affecting public water systems (including sources of water for such systems) which the Administrator determines to present substantial danger to the public health. Grants provided under this subparagraph shall be used only to support those actions which (i) are necessary for preventing, limiting or mitigating danger to the public health in such emergency situation and (ii) would not, in the judgment of the Administrator, be taken without such emergency assistance. The Administrator may carry out the program authorized under this subparagraph as part of, and in accordance with the terms and conditions of, any other program of assistance for environmental emergencies which the Administrator is authorized to carry out under any other provision of law. No limitation on appropriations for any such other program shall apply to amounts appropriated under this subparagraph."

Ante, p. 1397.

Grants.

CLEAN AIR ACT TECHNICAL AND CONFORMING AMENDMENTS

SEC. 14. (a) The Clean Air Act is amended as follows:

(1) in section 110(a)(2)(H) insert a semicolon at the end thereof;

State implementation plans for ambient air quality standards.
42 USC 7410.

(2) in section 110(a)(2)(J) strike out the comma at the end thereof and substitute a semicolon;

(3) in section 110(a)(5)(D) strike out "preconstruction or premodification";

Ante, p. 694.
Ante, p. 695.

(4) in section 110(a)(3) add the following new subparagraph at the end thereof:

"(D) Any applicable implementation plan for which an attainment date later than December 31, 1982, is provided pursuant to section 172(a)(2) shall be revised by July 1, 1979, to include the comprehensive measures and requirements referred to in subsection (c)(5)(B).";

Ante, p. 746.

(5) in section 110 redesignate subsections (g), (h), and (i) (as added by section 108(g) of the Clean Air Act Amendments of 1977) as (h), (i), and (j), respectively;

Ante, p. 696.

(6) in section 110(j), as redesignated by paragraph (5) of this subsection, strike out "at such source will enable it" and substitute "will enable such source";

(7) in section 111(a) redesignate paragraph (7) (as added by section 109(f) of the Clean Air Act Amendments of 1977) as paragraph (8);

New stationary sources, performance standards.
Ante, p. 703.

(8) in section 111 strike out subsection (j) and redesignate the following subsections accordingly;

Ante, p. 701.

(9) in section 111(j)(2), as redesignated by paragraph (8) of this subsection, strike out "(8)" and substitute "(B)";

Federal
enforcement
procedures.
Ante, p. 704.

(10) in section 113(b)(3) insert a comma after “coal conversion)” and after “smelter orders)” ; and strike out “320” and insert in lieu thereof “324” ;

(11) in section 113(b)(3) (as amended by section 111(c)(3) of the Clean Air Act Amendments of 1977), insert “or” at the end thereof ;

Ante, p. 705.

(12) in section 113(c)(1)(B) (as amended by section 111(d)(2) of the Clean Air Act Amendments of 1977), insert “or” at the end thereof ;

Ante, p. 705.

(13) in section 113(c)(1)(D) insert a comma after “Act)” and insert a comma after “penalties)” ;

Compliance
orders.
Ante, p. 705.

(14) in section 113(d)(1) strike out “an order for any stationary source which” and insert in lieu thereof “to any stationary source which is unable to comply with any requirement of an applicable implementation plan an order which” and strike out “any requirement of an applicable implementation plan” and insert in lieu thereof “such requirement” ;

Ante, p. 715.

(15) in section 113(d)(1)(E) insert “, unless exempted under section 120(a)(2)(B) or (C),” after “notifies the source that” ; insert “effective July 1, 1979, as provided” after “noncompliance penalty” ; and strike out “120” the second time it appears therein and insert in lieu thereof “120 (b) (3) or (g)” ;

Determination.
Ante, p. 705.

(16) in section 113(d)(2) insert after the first sentence thereof the following: “The Administrator shall determine, not later than 90 days after receipt of notice of the issuance of an order under this subsection with respect to any major stationary source, whether or not any State order under this subsection is in accordance with the requirements of this Act.” ;

(17) in section 113(d)(4)(A) insert a closing parenthesis after “111(a)(1)” ;

(18) in the last sentence of section 113(d)(5)(A) strike out “an additional period of” and insert in lieu thereof “an additional period for” ;

(19) in section 113(d)(8) strike out “or (3)” after “paragraph (1)” ;

42 USC 7604.

(20) in section 113(d)(10) strike out “issued” and insert in lieu thereof “in effect” ; and strike out “other” and insert in lieu thereof “Federal” ; and strike out “or section 304” and substitute “and no action under section 304” ;

42 USC 7414.

(21) in section 113(d)(11) strike out “(and approved by the Administrator)” and substitute “and in effect” ;

42 USC 7521.

(22) in section 114(a)(iii) strike out “(except with respect to a manufacturer of motor vehicles or motor vehicle engines)” and insert in lieu thereof “(except a provision of title II with respect to a manufacturer of new motor vehicles or new motor vehicle engines)” ;

(23) in section 114(a)(1) insert “who owns or operates any emission source or who is” after “any person” ; and insert “with respect to a provision of title II” after “208” ;

42 USC 7416.
42 USC 7401
note.

(24) in section 116 insert “(as in effect before the date of the enactment of the Clean Air Act Amendments of 1977)” after “and (f)” ;

(25) in section 119(a), add the following new paragraph at the end thereof:

“(3) For the purposes of sections 110, 304, and 307 of this Act, any order issued by the State and in effect pursuant to this subsection shall become part of the applicable implementation plan.”;

(26) in section 119(d) (3) strike out “319” and insert in lieu thereof “321”;

(27) in the first sentence of section 119(e) strike out “such order” and insert in lieu thereof “an order under this section”;

(28) in section 120(a) (2) (A) (i) insert “(whether or not such source is subject to a Federal or State consent decree)” after “plan”;

(29) in section 120(a) (2) (A) (iii) insert “, or Federal or State consent decree” after “subparagraph (B)”;

(30) in section 120(a) (2) (B) (i) insert “section 113(d) (5) or” after “under” and insert “(as in effect before the date of the enactment of the Clean Air Act Amendments of 1977)” after “119”;

(31) in section 120(a) (2) (B) (ii) insert “(as in effect before the date of the enactment of the Clean Air Act Amendments of 1977)” after “119(c) (1)”;

(32) in section 120(b) (8) strike out “(6)” and substitute “(4)”;

(33) in section 120(b) (2) (A) strike out “subsection (e)” and insert in lieu thereof “subsection (a) (1) (B) (i)”;

(34) in section 120(b), after paragraph (9) insert: “In any case in which the State establishes a noncompliance penalty under this section, the State shall provide notice thereof to the Administrator.”;

(35) in the next to last sentence of section 120(b) strike out “delayed compliance” and insert in lieu thereof “noncompliance”; strike out “publication of the proposed penalty” and insert in lieu thereof “receipt of notice of the State penalty assessment”;

(36) in the last sentence of section 120(b) strike out “delayed compliance” and insert in lieu thereof “noncompliance”; and strike out “facility” and insert in lieu thereof “source”;

(37) in section 120(d) (2) (A) insert “the economic value which a delay in compliance beyond July 1, 1979, may have for the owner of such source, including” after “no less than”; and strike out “which a delay in compliance beyond July 1, 1979, may have for the owner or operator of such source” and insert in lieu thereof “which such a delay may have for the owner or operator of such source”;

(38) in section 120(e) insert a comma after “(b)”;

(39) in section 126(a) (1) strike out “, relating to significant deterioration of air quality,” and substitute “(relating to significant deterioration of air quality)”;

(40) in section 162(a) (4) insert a comma after “size”;

(41) in section 163(a) strike out “165(d) (2) (C) (iv)” and insert in lieu thereof “section 165(d) (2) (C) (iv)”;

Primary
nonferrous
smelter orders.
Ante, p. 712.
Ante, pp. 691,
771, 772.

Noncompliance
penalty.
Ante, p. 715.

42 USC 7401
note.

State penalty,
notice.

Ante, p. 724.

Ante, p. 731.

Ante, p. 732.
Post, p. 1402.

Ante, p. 733.

Ante, p. 731.

Preconstruction
requirements.

Ante, p. 735.

Ante, p. 1399.

Sulfur oxide
emissions.

Definitions.

Ante, p. 740.

Infra.

Ante, p. 740.

Ante, p. 1399.
Nonattainment
plan provisions.
Ante, p. 746.

(42) in section 164(b)(2) insert "or is inconsistent with the requirements of section 162(a) or of subsection (a) of this section" after "this section";

(43) in section 164(e), insert "an" after "If any State affected by the redesignation of";

(44) in section 165(a)(1) strike out the colon at the end thereof and insert in lieu thereof a semicolon;

(45) in section 165(a)(3) insert ", as required pursuant to section 110(j)," after "demonstrates";

(46) in section 165(b) insert "cause or" before "contribute"; and strike out "actual" before "allowable";

(47) in section 165(d)(2)(C)(ii) strike out "contribute" and insert in lieu thereof "contribute";

(48) in section 165(d)(2)(C)(iii) strike out "quality related" and substitute "quality-related" and strike out the comma after "concentrations";

(49) in section 165(d)(2)(C)(iv) strike out "such sources" and substitute "such facility"; strike out "together with all other sources,"; and insert "cause or contribute to concentrations of such pollutant which" before "exceed";

(50) in section 165(d)(2)(D)(iii) strike out everything after "as may be necessary to assure that" down through the colon and insert in lieu thereof the following: "emissions of sulfur oxides from such facility will not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations which exceed the following maximum allowable increases for such areas over the baseline concentration for such pollutant and to assure that such emissions will not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less on more than 18 days during any annual period:";

(51) in section 165(d)(2)(D) add the following new clause:

"(iv) For purposes of clause (iii), the term 'high terrain area' means with respect to any facility, any area having an elevation of 900 feet or more above the base of the stack of such facility, and the term 'low terrain area' means any area other than a high terrain area.";

(52) in the second sentence of section 168(b) strike out "in accordance with this definition" and insert in lieu thereof "(in accordance with the definition of 'commenced' in section 169(2))";

(53) immediately after section 168, strike out subpart 2 of part C of title I of such Act and insert such subpart after section 169;

(54) in section 169(2) add the following new subparagraph (C) at the end thereof:

"(C) The term 'construction' when used in connection with any source or facility, includes the modification (as defined in section 111(a)) of any source or facility.";

(55) in section 172(b)(4) strike out "paragraph (1)" and insert in lieu thereof "subsection (a)";

(56) in section 172(c) strike out "July 1, 1987" and insert in lieu thereof "December 31, 1987";

(57) in section 173(1) (A) strike out “facility” each place it appears and insert in lieu thereof “source”; strike out “from new” and insert in lieu thereof “from new or modified”; and insert “applicable” before “implementation plan”;

Permit
requirements.
42 USC 7503.

(58) in section 173 strike out “and” after the semicolon in paragraph (2); strike out the period at the end of paragraph (3) and insert in lieu thereof “; and”; and add the following at the end thereof:

“(4) the applicable implementation plan is being carried out for the nonattainment area in which the proposed source is to be constructed or modified in accordance with the requirements of this part.”;

(59) in section 176(a) (1) insert “national” before “primary”;

Ante, p. 749.
Moving sources
emission
standards.
Ante, p. 791.

(60) in section 202(a) strike out “(a) Except as otherwise provided in subsection (b)—

“(a) (1) Except as otherwise provided in subsection (b) the” and substitute “(a) Except as otherwise provided in subsection (b)—

“(1) The”;

(61) in section 202(a) (3) (B) strike out “During the period of June 1 through December 31, 1979, and during each period of June 1 through December 31 of each third year after 1979,” and insert in lieu thereof “During the period of June 1 through December 31, 1978, in the case of hydrocarbons and carbon monoxide, or during the period of June 1 through December 31, 1980, in the case of oxides of nitrogen, and during each period of June 1 through December 31 of each third year thereafter,”;

Ante, p. 765.

(62) in the last sentence of section 202(a) (3) (B) strike out “of” before “from”;

(63) in section 202(a) (3) (E) strike out “June 1, 1979,” and insert in lieu thereof “June 1, 1978, in the case of hydrocarbons and carbon monoxide, and June 1, 1980, in the case of oxides of nitrogen,”;

(64) in section 202(b) (1) (B) strike out “model year 1976” and insert in lieu thereof “calendar year 1976”;

Ante, p. 751.

(65) in section 202(b) (1) (B) (i) strike out “United States” and insert in lieu thereof “other”;

(66) in section 203(a) (3) (B), strike out the comma after “purchaser” and substitute a semicolon;

Ante, p. 761.

(67) in section 203(a) (4) (C), insert “or” after “person,”;

Ante, p. 755.

(68) in the last sentence of section 203(a) insert a period after “215”;

Ante, p. 757.

(69) in section 206(g) (3) insert “shall” after “(D)”;

Ante, p. 768.

(70) in section 207(a) strike out “(3) The cost” and substitute:

Ante, p. 754.

“(3) The cost”;

(71) in section 207(f), as added by section 212 of the Clean Air Act Amendments of 1977, strike out “(f)” and substitute “(h)”;

Ante, p. 758.

(72) in section 207(h) (2) (as added by section 212 of the Clean Air Act Amendments of 1977 and redesignated in paragraph (65) of this section), strike out “as determined and” and insert in lieu thereof “as determined under”;

(73) in section 211(f) (2) strike out “first”; and insert “, except as otherwise provided pursuant to a waiver under paragraph (4)” after “per gallon of fuel”;

Ante, p. 762.

Ante, p. 762.

Ante, p. 757

Ante, p. 770.

Ante, p. 771.

Ante, pp. 776,
777.

Ante, pp. 704,
712, 715.

42 USC 7401.
Ante, p. 785.

Ante, p. 788.

Ante, p. 790.

(74) in section 211(f)(4) insert "or the limitation specified in paragraph (2) of this subsection," after "subsection";

(75) in section 215(d) strike out "December 31, 1981," and insert in lieu thereof "December 31, 1980,";

(76) in section 302(e), insert a comma after "individual";

(77) in section 304(a)(3) insert "or modified" after "new";

(78) in section 304(f)(3) strike out "requirements" after "smelter orders," and substitute "any condition or requirement"; and strike out "or" before "section 169A" and insert "or" after "(relating to ozone protection)";

(79) in the first sentence of section 307(b)(1), insert "or requirement" before "under section 112,"; strike out "under section 111" and insert in lieu thereof "or requirement under section 111,"; strike out "any rule or order issued under section 120 (relating to noncompliance penalties," and insert in lieu thereof "any rule issued under section 113, 119, or under section 120, or";

(80) in the second sentence of section 307(b)(1) insert "under section 111(j), under section 112(c), under section 113(d), under section 119, or" before "under section 120"; and insert "(as in effect before the date of enactment of the Clean Air Act Amendments of 1977)" after "119(c)(2) (A), (B), or (C)"; and insert "(including any denial or disapproval by the Administrator under title I)" after "under this Act";

(81) in section 323(d), strike out "eleven" and substitute "thirteen"; strike out "seven" and substitute "nine"; strike out "by and with the advice and consent of the Senate";

(82) in section 324(j) insert after "(j)" the following: "The Commission may appoint and fix the pay of such staff as it deems necessary.";

(83) redesignate section 325 (as added by section 315 of the Clean Air Act Amendments of 1977) as section 327 and in subsection (b)(4) thereof, strike out "103(b)(5)" and insert in lieu thereof "103(a)(5)"; and

(84) in title III, add the following new section after section 325:

"CONSTRUCTION OF CERTAIN CLAUSES

42 USC 7625a.

"SEC. 326. The parenthetical cross references in any provision of this Act to other provisions of the Act, or other provisions of law, where the words "relating to" or "pertaining to" are used, are made only for convenience, and shall be given no legal effect."

(b) The Clean Air Act Amendments of 1977 (Public Law 95-95) is amended as follows:

Ante, p. 704.

(1) in section 111, redesignate the second subsection (b) as paragraph (3) and redesignate existing paragraph (3) as paragraph (4);

Ante, p. 745.

(2) in section 129(a)(2)(C), strike out "January 1, 1979," and insert in lieu thereof "July 1, 1979,";

(3) in the next to last sentence of section 129(a)(2), strike "at" after "judgment";

- (4) in section 129(c), strike out “subpart D” in each place it appears and insert in lieu thereof “part D of title I” and strike out “101” and insert in lieu thereof “110”; *Ante*, p. 750.
- (5) in section 224(g) strike out “after ‘engines’ ” and insert in lieu thereof “after ‘engine’ ”; and *Ante*, p. 769.
- (6) in section 406(c) strike out “section 110 of this Act” and insert in lieu thereof “section 110 of the Clean Air Act”. *Ante*, p. 796.

Approved November 16, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-338 accompanying H.R. 6827 (Comm. on Interstate and Foreign Commerce).

SENATE REPORT No. 95-190 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May. 24, considered and passed Senate.

July. 12, considered and passed House, amended, in lieu of H.R. 6827.

Aug. 5, Senate agreed to House amendment with amendments.

Nov. 1, House agreed to one Senate amendment and amended the other; Senate concurred in House amendment.

Public Law 95-191
95th Congress

An Act

Nov. 18, 1977

[H.R. 6348]

To convey to the Ely Indian Colony the beneficial interest in certain Federal land.

Indians.
Ely Indian
Colony, Nev.
Land conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to all valid existing rights-of-way, licenses, leases, permits, and easements, all right, title, and interest of the United States in the land described below, consisting of approximately ninety acres, is declared to be held in trust for the Ely Indian Colony, Nevada: The north half of the southeast quarter and the northeast quarter of the northeast quarter of the southwest quarter of section 22, township 16 north, range 63 east, Mount Diablo base and meridian, Nevada. Such land shall be a reservation of the colony.

Approved November 18, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-619 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Oct. 3, considered and passed House.

Nov. 4, considered and passed Senate.

Public Law 95-192
95th Congress

An Act

To provide for furthering the conservation, protection, and enhancement of the Nation's soil, water, and related resources for sustained use, and for other purposes.

Nov. 18, 1977

[S. 106]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Soil and Water Resources Conservation Act of 1977".

Soil and Water
Resources
Conservation Act
of 1977.
16 USC 2001
note.

FINDINGS

SEC. 2. The Congress finds that:

(1) There is a growing demand on the soil, water, and related resources of the Nation to meet present and future needs.

(2) The Congress, in its concern for sustained use of the resource base, created the Soil Conservation Service of the United States Department of Agriculture which possesses information, technical expertise, and a delivery system for providing assistance to land users with respect to conservation and use of soils; plants; woodlands; watershed protection and flood prevention; the conservation, development, utilization, and disposal of water; animal husbandry; fish and wildlife management; recreation; community development; and related resource uses.

(3) Resource appraisal is basic to effective soil and water conservation. Since individual and governmental decisions concerning soil and water resources often transcend administrative boundaries and affect other programs and decisions, a coordinated appraisal and program framework are essential.

16 USC 2001.

DEFINITIONS

SEC. 3. As used in this Act:

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "soil, water, and related resources" means those resources which come within the scope of the programs administered and participated in by the Secretary of Agriculture through the Soil Conservation Service.

(3) The term "soil and water conservation program" means a set of guidelines for attaining the purposes of this Act.

16 USC 2002.

DECLARATIONS OF POLICY AND PURPOSE: PROMOTION THEREOF

SEC. 4. (a) In order to further the conservation of soil, water, and related resources, it is declared to be the policy of the United States and purpose of this Act that the conduct of programs administered by the Secretary of Agriculture for the conservation of such resources shall be responsive to the long-term needs of the Nation, as determined under the provisions of this Act.

16 USC 2003.

(b) Recognizing that the arrangements under which the Federal Government cooperates with State soil and water conservation agencies and other appropriate State natural resource agencies such as those concerned with forestry and fish and wildlife and, through conservation districts, with other local units of government and land users,

have effectively aided in the protection and improvement of the Nation's basic resources, including the restoration and maintenance of resources damaged by improper use, it is declared to be the policy of the United States that these arrangements and similar cooperative arrangements should be utilized to the fullest extent practicable to achieve the purpose of this Act consistent with the roles and responsibilities of the non-Federal agencies, landowners and land users.

(c) The Secretary shall promote the attainment of the policies and purposes expressed in this Act by—

(1) appraising on a continuing basis the soil, water, and related resources of the Nation;

(2) developing and updating periodically a program for furthering the conservation, protection, and enhancement of the soil, water, and related resources of the Nation consistent with the roles and program responsibilities of other Federal agencies and State and local governments; and

(3) providing to Congress and the public, through reports, the information developed pursuant to paragraphs (1) and (2) of this subsection, and by providing Congress with an annual evaluation report as provided in section 7.

Reports to
Congress and
public.

APPRAISAL

16 USC 2004.

SEC. 5. (a) In recognition of the importance of and need for obtaining and maintaining information on the current status of soil, water, and related resources, the Secretary is authorized and directed to carry out a continuing appraisal of the soil, water, and related resources of the Nation. The appraisal shall include, but not be limited to—

Contents.

(1) data on the quality and quantity of soil, water, and related resources, including fish and wildlife habitats;

(2) data on the capability and limitations of those resources for meeting current and projected demands on the resource base;

(3) data on the changes that have occurred in the status and condition of those resources resulting from various past uses, including the impact of farming technologies, techniques, and practices;

(4) data on current Federal and State laws, policies, programs, rights, regulations, ownerships, and their trends and other considerations relating to the use, development, and conservation of soil, water, and related resources;

(5) data on the costs and benefits of alternative soil and water conservation practices; and

(6) data on alternative irrigation techniques regarding their costs, benefits, and impact on soil and water conservation, crop production, and environmental factors.

(b) The appraisal shall utilize data collected under this Act and pertinent data and information collected by the Department of Agriculture and other Federal, State, and local agencies and organizations. The Secretary shall establish an integrated system capable of using combinations of resource data to determine the quality and capabilities

for alternative uses of the resource base and to identify areas of local, State, and National concerns and related roles pertaining to soil and water conservation, resource use and development, and environmental improvement.

(c) The appraisal shall be made in cooperation with conservation districts, State soil and water conservation agencies, and other appropriate citizen groups, and local and State agencies under such procedures as the Secretary may prescribe to insure public participation.

Public participation.

(d) The appraisal shall be completed by December 31, 1979, and at each five-year interval thereafter during the period this Act is in effect.

Completion dates.

SOIL AND WATER CONSERVATION PROGRAM

SEC. 6. (a) The Secretary is hereby authorized and directed to develop in cooperation with and participation by the public through conservation districts, State and national organizations and agencies, and other appropriate means, a national soil and water conservation program (hereinafter called the "program") to be used as a guide in carrying out the activities of the Soil Conservation Service which assist landowners and land users, at their request, in furthering soil and water conservation on the private and non-Federal lands of the Nation. The program shall set forth direction for future soil and water conservation efforts of the United States Department of Agriculture based on the current soil, water, and related resource appraisal developed in accordance with section 5 of this Act, taking into consideration both the long- and short-term needs of the Nation, the landowners, and the land users, and the roles and responsibilities of Federal, State, and local governments in such conservation efforts. The program shall also include but not be limited to—

Development.
16 USC 2005.

(1) analysis of the Nation's soil, water, and related resource problems;

(2) analysis of existing Federal, State, and local government authorities and adjustments needed;

(3) an evaluation of the effectiveness of the soil and water conservation ongoing programs and the overall progress being achieved by Federal, State, and local programs and the landowners and land users in meeting the soil and water conservation objectives of this Act;

(4) identification and evaluation of alternative methods for the conservation, protection, environmental improvement, and enhancement of soil and water resources, in the context of alternative time frames, and a recommendation of the preferred alternatives and the extent to which they are being implemented;

(5) investigation and analysis of the practicability, desirability, and feasibility of collecting organic waste materials, including manure, crop and food wastes, industrial organic waste, municipal sewage sludge, logging and wood-manufacturing residues, and any other organic refuse, composting, or similarly treating such materials, transporting and placing such materials onto the

Contents.

land to improve soil tilth and fertility. The analysis shall include the projected cost of such collection, transportation, and placement in accordance with sound locally approved soil and water conservation practices;

(6) analysis of the Federal and non-Federal inputs required to implement the program;

(7) analysis of costs and benefits of alternative soil and water conservation practices; and

(8) investigation and analysis of alternative irrigation techniques regarding their costs, benefits, and impact on soil and water conservation, crop production, and environmental factors.

Completion
dates.

(b) The program plan shall be completed not later than December 31, 1979, and be updated at each five-year interval thereafter during the period this Act is in effect.

REPORT TO CONGRESS

16 USC 2006.

SEC. 7. (a) On the first day Congress convenes in 1980 and at each five-year interval thereafter during the period this Act is in effect the President shall transmit to the Speaker of the House of Representatives and the President of the Senate, the appraisal and the program as required by sections 5 and 6 of this Act, together with a detailed statement of policy regarding soil and water conservation activities of the United States Department of Agriculture.

(b) Commencing with the fiscal year ending September 30, 1982, the President shall, not later than thirty days after the submission of the budget for each fiscal year, prepare and transmit to Congress a report expressing in qualitative and quantitative terms the extent to which the programs and policies projected under the budget meet the statement of policy submitted under subsection (a) of this section. In any case in which the budget recommends a course which fails to meet the statement of policy, the President shall set forth in his report under this subsection the reasons for requesting Congress to approve the lesser program or policies presented in the budget.

(c) The Secretary, during budget preparation for fiscal year 1982 and annually thereafter during the period this Act is in effect, shall prepare and transmit to the Congress, through the President, a report to accompany the budget which evaluates the program's effectiveness in attaining the purposes of this Act. The report, prepared in concise summary form with appropriate detailed appendices, shall contain pertinent data from the current resource appraisal required to be prepared by section 5 of this Act, shall set forth the progress in implementing the program required to be developed by section 6 of this Act, and shall contain appropriate measurements of pertinent costs and benefits. The evaluation shall assess the balance between economic factors and environmental quality factors. The report shall also indicate plans for implementing action and recommendations for new legislation where warranted.

Legislative
recommendations.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 8. There are authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act. 16 USC 2007.

EFFECTIVE DATE

SEC. 9. In the implementation of this Act, the Secretary shall utilize information and data available from other Federal, State, and local governments, and private organizations and he shall coordinate his actions with the resource appraisal and planning efforts of other Federal agencies and avoid unnecessary duplication and overlap of planning and program efforts. 16 USC 2008.

SEC. 10. The provisions of this Act shall terminate on December 31, 1985. Termination date.
16 USC 2009.

Approved November 18, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-344 accompanying H.R. 75 (Comm. on Agriculture).
SENATE REPORT No. 95-59 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 23, considered and passed Senate.

June 6, considered and passed House, amended, in lieu of H.R. 75.

Nov. 2, Senate concurred in House amendments with an amendment.

Nov. 3, House agreed to Senate amendment.

Public Law 95-193
95th Congress

An Act

Nov. 18, 1977

[H.R. 8777]

To amend the Appalachian Regional Development Act of 1965 to permit an extension of the period of assistance for child development programs while a study is conducted on methods of phasing out Federal assistance to these programs.

Appalachian
Regional
Development Act
of 1965,
amendments.
40 USC app. 202.
Child
development
programs,
funding
extension.
Study.
40 USC app. 202
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202(c) of the Appalachian Regional Development Act of 1965 is amended by striking out the period at the end of the seventh sentence and inserting in lieu thereof a comma and the following: "except that transitional funding not to exceed 75 per centum of annual operating costs may be approved for not more than two additional years of operations for child development demonstrations if the Commission finds that no Federal, State, or local funds are available to continue such demonstrations."

SEC. 2. (a) The Appalachian Regional Commission and the Department of Health, Education, and Welfare shall make a full and complete investigation and study of the child development programs being assisted under the Appalachian Regional Development Act of 1965 to determine the source and nature of any problems in the phasing out of such Federal assistance to such programs and to recommend solutions to these problems, including procedures by which sponsorship of these programs can be turned over to State or private agencies, or both.

(b) The Appalachian Regional Commission and the Department of Health, Education, and Welfare shall make a report to the Congress of their findings and recommendations under subsection (a) not later than one year after the date of enactment of this Act.

Report to
Congress.

Approved November 18, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-738, pt. I (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Nov. 1, considered and passed House.
Nov. 3, considered and passed Senate.

Public Law 95-194
95th Congress

An Act

To extend the provisions of the Fishermen's Protective Act of 1967, relating to the reimbursement of seized commercial fishermen, until October 1, 1978.

Nov. 18, 1977
[S. 1184]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking out "October 1, 1977" and inserting in lieu thereof "October 1, 1978".

Fishermen's
Protective Act of
1967,
amendment.

SEC. 2. The Fishermen's Protective Act of 1967, as amended, is further amended by adding the following new section at the end thereof:

Seized
commercial
fishermen,
reimbursement.
Loans.

"SEC. 10. (a) After July 1, 1977, the Secretary may make a loan to the owner or operator of any vessel of the United States which is documented or certified as a commercial fishing vessel if—

Effective date.
22 USC 1980.

"(1) he receives an application for a loan under this section after such date;

"(2) he reasonably determines that such vessel, or its fishing gear, was lost, damaged, or destroyed by any vessel (or its crew or fishing gear) of a foreign nation operating within the fishery conservation zone established by sections 101 and 102 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1811); and

16 USC 1812.

"(3) the amount of such loss, damage, or destruction exceeds \$2,000.

Any such loan—

"(A) may be for an amount not exceeding the value of such loss, damage, or destruction;

"(B) shall be conditional upon assignment to the Secretary of any right to recover for such loss, damage, or destruction;

"(C) shall bear interest at a rate not to exceed 3½ per centum per annum; and

Interest rate.

"(D) shall be subject to such terms and conditions as the Secretary deems necessary and appropriate for the purposes of this section.

The Secretary shall use the Fishermen's Protective Fund created under section 9 for the amounts of any loan made under this section. Loans may be made for any loss, damage, or destruction occurring after July 1, 1976 for which claims are not already substantially resolved.

22 USC 1979.

"(b) The Secretary, in conjunction with other agencies or departments, shall investigate each incident of loss, damage, or destruction for which a loan was made under this section. If he determines that the owner or operator who received the loan was not at fault, the Secretary shall cancel repayment of such loan and refund to such owner or operator any principal and interest payments thereon made prior to the date of such cancellation. If he determines that the owner or operator who received the loan was at fault, the loan shall not continue for its term and shall be repaid within a reasonable time as determined by the Secretary.

Investigation.
Cooperation.
Loan repayment,
cancellation.

- Collection. “(c) The Secretary, with the assistance of the Attorney General, the Secretary of State, and the claimant, shall take appropriate action, pursuant to the provisions of title 28, United States Code, to collect on any right assigned to him under subsection (a). Amounts collected under this subsection shall—
- 22 USC 1979. “(1) if such loan was canceled pursuant to subsection (b), be paid into the Fishermen’s Protective Fund created under section 9, to the extent of the amount so canceled;
 “(2) if not so canceled, be applied to the repayment of such loan; or
 “(3) to the extent not used pursuant to paragraph (1) or (2), paid to the owner or operator who assigned such claim.
- “Secretary.” “(d) For the purposes of this section, the term ‘Secretary’ means the Secretary of Commerce.
- Fees. “(e) The Secretary may from time to time establish by regulation fees to recover the cost of administering this section. Such fees shall be paid by the owner or operator making claims under this section.”

Approved November 18, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-319 accompanying H.R. 4140 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 95-178 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 16, H.R. 4140 considered in House.

May 24, considered and passed Senate.

Oct. 18, considered and passed House, amended, in lieu of H.R. 4140.

Nov. 3, Senate agreed to House amendments with an amendment; House agreed to Senate amendment.

Public Law 95-195
95th Congress

An Act

To restore the Confederated Tribes of Siletz Indians of Oregon as a federally recognized sovereign Indian tribe, to restore to the Confederated Tribes of Siletz Indians of Oregon and its members those Federal services and benefits furnished to federally recognized American Indian tribes and their members, and for other purposes.

Nov. 18, 1977

[S. 1560]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Siletz Indian Tribe Restoration Act".

SEC. 2. For the purposes of this Act—

(1) the term "tribe" means the Confederated Tribes of Siletz Indians of Oregon;

(2) the term "Secretary" means the Secretary of the Interior or his authorized representative;

(3) the term "Interim Council" means the council elected pursuant to section 5;

(4) the term "member", when used with respect to the tribe, means a person enrolled on the membership roll of the tribe, as provided in section 4 of this Act; and

(5) the term "final membership roll" means the final membership roll of the tribe published on July 20, 1956, on pages 5454-5462 of volume 21 of the Federal Register.

SEC. 3. (a) Federal recognition is hereby extended to the tribe, and the provisions of the Act of June 18, 1934 (48 Stat. 984) as amended, except as inconsistent with specific provisions of this Act, are made applicable to the tribe and the members of the tribe. The tribe and the members of the tribe shall be eligible for all Federal services and benefits furnished to federally recognized Indian tribes. Notwithstanding any provision to the contrary in any law establishing such services or benefits, eligibility of the tribe and its members for such Federal services and benefits shall become effective upon enactment of this Act without regard to the existence of a reservation for the tribe or the residence of members of the tribe on a reservation.

(b) Except as provided in subsection (c), all rights and privileges of the tribe and of members of the tribe under any Federal treaty, Executive order, agreement, or statute, or under any other authority, which were diminished or lost under the Act of August 13, 1954 (68 Stat. 724), are hereby restored, and such Act shall be inapplicable to the tribe and to members of the tribe after the date of enactment of this Act.

(c) This Act shall not grant or restore any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, to the tribe or any member of the tribe, nor shall it be construed as granting, establishing, or restoring a reservation for the tribe.

(d) Except as specifically provided in this Act, nothing in this Act shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes already levied.

Siletz Indian
Tribe Restoration
Act.

25 USC 711 note.
Definitions.
25 USC 711.

Federal
recognition.
25 USC 711a.
25 USC 461.
Federal services
and benefits,
eligibility.
Effective date.

Rights and
privileges,
restoration.

25 USC 691.

Hunting, fishing,
or trapping rights
and tribal
reservation,
nonrestoration.

Open
membership roll.
25 USC 711b.

SEC. 4. (a) The final membership roll is declared open. The Secretary, the Interim Council, and tribal officials under the tribal constitution and bylaws shall take such measures as will insure the continuing accuracy of the membership roll.

(b) (1) Until after the initial election of tribal officers under the tribal constitution and bylaws, a person shall be a member of the tribe and his name shall be placed on the membership roll if he is living and if—

(A) his name is listed on the final membership roll;

(B) he was entitled on August 13, 1954, to be on the final membership roll but his name was not listed on that roll; or

(C) he is a descendant of a person specified in subparagraph (A) or (B) and possesses at least one-fourth degree of blood of members of the tribe or their Siletz Indian ancestors.

(2) After the initial election of tribal officials under the tribal constitution and bylaws, the provisions of the tribal constitution and bylaws shall govern membership in the tribe.

Verification
oaths,
determination.

(c) (1) Before election of the Interim Council, verification of descendancy, age, and blood shall be made upon oath before the Secretary and his determination thereon shall be final.

Appeal and
determination.

(2) After election of the Interim Council and before the initial election of the tribal officials, verification of descendancy, age, and blood shall be made upon oath before the Interim Council, or its authorized representative. A member of the tribe, with respect to the inclusion of any name, and any person, with respect to the exclusion of his name, may appeal to the Secretary, who shall make a final determination of each such appeal within ninety days after an appeal has been filed with him. The determination of the Secretary with respect to an appeal under this paragraph shall be final.

Records, files,
and materials,
delivery to tribe.

(3) After the initial election of tribal officials, the provisions of the tribal constitution and bylaws shall govern the verification of any requirements for membership in the tribe, and the Secretary and the Interim Council shall deliver their records and files, and any other material relating to enrollment matters, to the tribal governing body.

Franchisement.

(d) For purposes of sections 5 and 6, a member who is eighteen years of age or older is entitled and eligible to be given notice of, attend, participate in, and vote at, general council meetings and to nominate candidates for, to run for any office in, and to vote in, elections of members to the Interim Council and to other tribal councils.

Interim Council
members,
nomination and
election.
25 USC 711c.

SEC. 5. (a) Within forty-five days after the date of the enactment of this Act, the Secretary shall announce the date of a general council meeting of the tribe to nominate candidates for election to the Interim Council. Such general council meeting shall be held within sixty days after the date of the enactment of this Act. Within forty-five days after such general council meeting the Secretary shall hold an election by secret ballot, absentee balloting to be permitted, to elect nine members of the tribe to the Interim Council from among the nominees submitted to him from such general council meeting. The Secretary shall assure that notice of the time, place, and purpose of such meeting and election shall be provided to members described in section 4(d) at least fifteen days before such general meeting and election. The ballot shall provide for write-in votes. The Secretary shall approve the Interim Council elected pursuant to this section if he is satisfied that the requirements of this section relating to the nominating and election process have been met. If he is not so satisfied, he shall hold

Meeting, notice.

Write-in votes.
Approval.

another election under this section, with the general council meeting to nominate candidates for election to the Interim Council to be held within sixty days after such election.

(b) The Interim Council shall represent the tribe and its members in the implementation of this Act and shall be the acting tribal governing body until tribal officials are elected pursuant to section 6(c) and shall have no powers other than those given to it in accordance with this Act. The Interim Council shall have full authority and capacity to receive grants from and to make contracts with the Secretary and the Secretary of Health, Education, and Welfare with respect to Federal services and benefits for the tribe and its members and to bind the tribal governing body as the successor in interest to the Interim Council for a period extending not more than six months after the date on which the tribal governing body takes office. Except as provided in the preceding sentence, the Interim Council shall have no power or authority after the time when the duly-elected tribal governing body takes office: *Provided*, That no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

(c) Within thirty days after receiving notice of a vacancy on the Interim Council, the Interim Council shall hold a general council meeting for the purpose of electing a person to fill such vacancy. The Interim Council shall provide notice of the time, place, and purpose of such meeting and election to members described in section 4(d) at least ten days before such general meeting and election. The person nominated to fill such vacancy at the general council meeting who received the highest number of votes in the election shall fill such vacancy.

SEC. 6. (a) Upon the written request of the Interim Council, the Secretary shall conduct an election by secret ballot, pursuant to the provisions of section 16 of the Act of June 18, 1934 (48 Stat. 987), for the purpose of adopting a constitution and bylaws for the tribes. The election shall be held within sixty days after the Secretary has—

(1) reviewed and updated the final membership roll for accuracy, in accordance with sections 4(a), 4(b)(1), and 4(c)(1),

(2) made a final determination of all appeals filed under section 4(c)(2), and

(3) published in the Federal Register a certification copy of the membership roll of the tribe.

(b) The Interim Council shall draft and distribute to each member described in section 4(d), no later than thirty days before the election under subsection (a), a copy of the proposed constitution and bylaws of the tribe, as drafted by the Interim Council, along with a brief, impartial description of the proposed constitution and bylaws. The members of the Interim Council may freely consult with members of the tribe concerning the text and description of the constitution and bylaws, except that such consultation may not be carried on within fifty feet of the polling places on the date of the election.

(c) In any election held pursuant to subsection (a), the vote of a majority of those actually voting shall be necessary and sufficient for the adoption of a tribal constitution and bylaws.

(d) Not later than one hundred and twenty days after the tribe adopts a constitution and bylaws, the Interim Council shall conduct an election by secret ballot for the purpose of electing the individuals who will serve as tribal officials as provided in the tribal constitution and

Interim Council.
Functions.

Services and
benefits, grants
and contracts.

Council
vacancies.
Election, notice.

Constitution and
bylaws, adoption.
Secret ballot,
request.
25 USC 711d.
25 USC 476.
Roll, review.

Certified copy,
publication in
Federal Register.
Copies and
description,
distribution.

Consultation.

Tribal officials,
election by secret
ballot.

bylaws. For the purpose of this election and notwithstanding any provision in the tribal constitution and bylaws to the contrary, absentee balloting shall be permitted.

Reservation,
establishment.
25 USC 711e.
Plan, negotiation
with tribe and
approval.

SEC. 7. (a) Any reservation for the tribe shall be established by an Act of Congress enacted after the enactment of this Act.

Submittal to
Congress.

(b) Inasmuch as the reservation of the tribe has been terminated, the Secretary shall negotiate with the tribe, or with representatives of the tribe chosen by the tribe, concerning the establishment of a reservation for the tribe and shall, in accordance with subsections (c) and (d) and within two years after the date of enactment of this Act, develop a plan for the establishment of a reservation for the tribe. Upon approval of such plan by the tribal officials elected under the tribal constitution and bylaws adopted pursuant to section 6, the Secretary shall submit such plan, in the form of proposed legislation, to the Congress.

Notification and
consultation.

(c) To assure that legitimate State and local interests are not prejudiced by the creation of a reservation for the tribe, the Secretary, in developing a plan under subsection (b) for the establishment of a reservation, shall notify and consult with all appropriate officials of the State of Oregon, all appropriate local governmental officials in the State of Oregon and any other interested parties. Such consultation shall include the following subjects:

- (1) the size and location of the reservation;
- (2) the effect the establishment of the reservation would have on State and local tax revenues;
- (3) the criminal and civil jurisdiction of the State of Oregon with respect to the reservation and persons on the reservation;
- (4) hunting, fishing, and trapping rights of the tribe and members of the tribe, on the reservation;
- (5) the provision of State and local services to the reservation and to the tribe and members of the tribe on the reservation; and
- (6) the provision of Federal services to the reservation and to the tribe and members of the tribe and the provision of services by the tribe to members of the tribe.

Plan provisions.

(d) Any plan developed under this section for the establishment of a reservation for the tribe shall provide that—

Real property in
trust.

(1) any real property transferred by the tribe or members of the tribe to the Secretary shall be taken in the name of the United States in trust for the benefit of the tribe and shall be the reservation for the tribe;

(2) the establishment of such a reservation will not grant or restore to the tribe or any member of the tribe any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, on such reservation;

(3) the Secretary shall not accept any real property in trust for the benefit of the tribe or its members unless such real property is located within Lincoln County, State of Oregon;

(4) any real property taken in trust by the Secretary for the benefit of the tribe or its members shall be subject to all rights existing at the time such property is taken in trust, including liens, outstanding Federal, State, and local taxes, mortgages, outstanding indebtedness of any kind, easements, and all other obligations, and shall be subject to foreclosure and sale in accordance with the laws of the State of Oregon;

(5) the transfer of any real property to the Secretary in trust for the benefit of the tribe or its members shall be exempt from all Federal, State, and local taxation, and all such real property shall, as of the date of such transfer, be exempt from Federal, State, and local taxation; and

Taxation,
exemption.

(6) the State of Oregon shall have civil and criminal jurisdiction with respect to the reservation and persons on the reservation in accordance with section 1360 of title 28, United States Code, and section 1162 of title 18, United States Code.

(e) The Secretary shall append to the plan a detailed statement describing the manner in which the notification and consultation prescribed by subsection (c) was carried out and shall include any written comments with respect to the establishment of a reservation for the tribe submitted to the Secretary by State and local officials and other interested parties in the course of such consultation.

Statement,
appendage to
plan.

SEC. 8. The Secretary may make such rules and regulations as are necessary to carry out the purposes of this Act.

Rules and
regulations.
25 USC 711f.

Approved November 18, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-623 accompanying H.R. 7259 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 95-386 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Aug. 5, considered and passed Senate.

Nov. 1, considered and passed House, amended, in lieu of H.R. 7259.

Nov. 3, Senate concurred in House amendment.

Public Law 95-196
95th Congress

An Act

Nov. 19, 1977
[H.R. 2770]

To amend section 142 of title 28, United States Code, relating to the furnishing of accommodations to judges of the courts of appeals of the United States.

U.S. courts of
appeals, judges,
accommodations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 142 of title 28, United States Code, is amended by adding the following sentence at the end thereof: "The limitations and restrictions contained in this section shall not be applicable to the furnishing of accommodations to judges of the courts of appeals at places where Federal facilities are available and the judicial council of the circuit approves."

Approved November 19, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-748 (Comm. on the Judiciary).
SENATE REPORT No. 95-579 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 123 (1977):
Oct. 31, considered and passed House.
Nov. 4, considered and passed Senate.

Public Law 95-197
95th Congress

Joint Resolution

To express the sense of the Congress that, in the light of history, the third Thursday in December 1977, would be a most appropriate day for designation as the "National Day of Prayer for the Year of 1977", and respectfully to request that the President, under the provisions of Public Law 82-324, issue a proclamation designating such date as a "National Day of Prayer for the Year 1977".

Nov. 21, 1977
[S.J. Res. 81]

Whereas the President is authorized under a provision of Federal law to proclaim a National Day of Thanksgiving on the fourth Thursday of November (Public Law 77-379), and

5 USC 6103.

Whereas the President is authorized under a provision of Federal law to proclaim a National Day of Prayer on a day other than a Sunday (Public Law 82-324), and

36 USC 169h.

Whereas the third Thursday of December in the year 1977 marks the two hundredth anniversary of the first proclaimed Day of Thanksgiving by the Continental Congress, and

Whereas such a proclamation on this date has the support of the leaders and presidents of twelve national religious bodies in the United States, and

Whereas such date is already historic, patriotic, and sacred in the life of our country: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that, in the light of history, December 15, 1977 (such date being the third Thursday in December 1977) would be a most appropriate day for designation as the "National Day of Prayer for the Year 1977", and the President is hereby respectfully requested, under Public Law 82-324, to issue a proclamation designating such date as a "National Day of Prayer for the Year 1977", and calling upon the people of the United States and interested groups and organizations to observe that day with appropriate ceremonies and activities.

National Day of
Prayer for the
Year 1977.
Designation
authorization.

Approved November 21, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

Sept. 22, considered and passed Senate.

Nov. 4, considered and passed House.

Public Law 95-198
95th Congress

An Act

Nov. 23, 1977

[H.R. 422]

To amend the Tariff Schedules of the United States to provide duty-free treatment of any aircraft engine used as a temporary replacement for an aircraft engine being overhauled within the United States if duty was paid on such replacement engine during a previous importation.

Aircraft engines,
duty-free
treatment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart A of part 1 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 801.10 the following new item:

“ 801.20	Any aircraft engine or propeller, or any part or accessory of either, previously imported, with respect to which the duty was paid upon such previous importation, if (1) reimported without having been advanced in value or improved in condition by any process of manufacture or other means while abroad, after having been exported under loan, lease, or rent to an aircraft owner or operator as a temporary replacement for an aircraft engine being overhauled, repaired, rebuilt, or reconditioned in the United States, and (2) reimported by or for the account of the person who exported it from the United States.....	Free	Free	”.
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Effective date.
19 USC 1202
note.

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Approved November 23, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-77 (Comm. on Ways and Means).

SENATE REPORT No. 95-425 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 21, considered and passed House.

Sept. 16, considered and passed Senate, amended.

Oct. 25, House disagreed to Senate amendments.

Nov. 4, Senate receded from its amendments.

Public Law 95-199
95th Congress

An Act

To amend the Regional Rail Reorganization Act of 1973 to authorize additional appropriations for the United States Railway Association, and for other purposes.

Nov. 23, 1977
[H.R. 4049]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 214(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 724(c)) is amended to read as follows:

Regional Rail
Reorganization
Act of 1973,
amendment.
Appropriation
authorization.

“(c) ASSOCIATION.—For the fiscal year ending September 30, 1978, there are authorized to be appropriated to the Association for purposes of carrying out its administrative expenses under this Act such sums as are necessary, not to exceed \$23,000,000. Sums appropriated under this subsection are authorized to remain available until September 30, 1979.”

SEC. 2. Section 202(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 712(e)) is amended—

(1) by striking out “ANNUAL REPORT.—The” and inserting in lieu thereof “REPORTS.—The”;

(2) by redesignating clauses (1) through (7) thereof as clauses (A) through (G), respectively; and

(3) by adding at the end thereof the following new paragraph:

Report to
Congress and the
President.

“(2) For the fiscal year beginning October 1, 1977, and ending September 30, 1978, the Association shall transmit to the Congress and the President, not later than 30 days after the end of each quarter of such fiscal year, a comprehensive and detailed report on all expenditures and use of funds during the preceding fiscal quarter, including an assessment of the status of projects for such preceding fiscal quarter and a projection of activities proposed for the next fiscal quarter.”

SEC. 3. Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended by adding at the end thereof the following new subsection:

Special masters,
appointment.

“(h) SPECIAL MASTERS.—(1) The special court may appoint and fix the compensation and assign the duties of such special masters as it considers necessary or appropriate to conduct hearings, receive evidence and report thereon to the special court, and perform such other acts as the special court may require. The special court may employ such special masters by contract or otherwise, without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) or part III of title 5 of the United States Code, on such terms and conditions as it may determine. Such special masters shall not be deemed to be employees of the Federal Government or any department, agency, or instrumentality thereof. The special court may also appoint employees in such number as may be approved by the Director of the Administrative Office of the United States Courts, and may procure such administrative services as may be necessary for it or the special masters to complete their assignments expeditiously.

Contract,
advertisement,
exception.
5 USC 2101 *et*
seq.

“(2) There are authorized to be appropriated such sums as are necessary to carry out the purposes of this subsection. Sums appropriated under this subsection are authorized to remain available until expended.”

Appropriation
authorization.

SEC. 4. Section 303(d) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743(d)) is amended by striking out “entered pursuant to subsection (c) of this section” and inserting in lieu thereof “entered by the special court pursuant to subsection (c) of this section or section 306 of this title”.

45 USC 746.

Approved November 23, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-215 (Comm. on Interstate and Foreign Commerce).

SENATE REPORT No. 95-198 accompanying S. 922 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 3, considered and passed House.

May 23, considered and passed Senate, amended, in lieu of S. 922.

Nov. 3, House agreed to Senate amendments with an amendment.

Nov. 4, Senate concurred in House amendment.

Public Law 95-200
95th Congress

An Act

To provide improved authority for the administration of certain National Forest System lands in Oregon.

Nov. 23, 1977
[H.R. 7074]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PREAMBLE

The Congress finds that an area of land in the State of Oregon known variously as the Bull Run National Forest and the Bull Run Forest Reserve is presently the source of the sole domestic water supply for the city of Portland, Oregon (hereinafter called the "city") and other local governmental units and persons in the Portland metropolitan area, reserved for the city by a Presidential proclamation issued in 1892 and furnishing an extremely valuable resource of pure clear raw potable water, the continued production of which should be the principal management objective in the area hereinafter referred to as "the unit"; that the said area is now managed under terms of a Federal court decree issued pursuant to turn of the century law which does not appropriately address present and future needs and opportunities for the protection, management, and utilization of the resources contained therein.

National Forest
System Lands,
Oreg.
Water resource
management.
16 USC 482b
note.

DESIGNATION OF UNIT

SECTION 1. There is hereby established, subject to valid existing rights, a special resources management unit within the Mount Hood National Forest, State of Oregon, comprising approximately 95,382 acres as depicted on a map dated April 1977, and entitled "Bull Run Watershed Management Unit, Mount Hood National Forest", which is on file and available for public inspection in the offices of the Chief, and the Regional Forester—Pacific Northwest Region, Forest Service, Department of Agriculture, minor adjustments in the boundaries of which may be made from time to time by the Secretary of Agriculture (hereinafter the "Secretary") after consultation with the city and appropriate public notice and hearings.

Bull Run
Watershed
Management
Unit, Mount
Hood National
Forest.
Map, availability.
16 USC 482b
note.

MANAGEMENT

SEC. 2. (a) The unit and the renewable resources therein, shall be administered as a watershed by the Secretary of Agriculture in accordance with the laws, rules, and regulations applicable to National Forest System lands except to the extent that any management plan or practice is found by the Secretary to have a significant adverse effect on compliance with the water quality standards referred to in section 2(b) hereof or on the quantity of the water produced thereon for the use of the city, and other local government units and persons using such water under agreements with the city (and the Secretary shall take into consideration the cumulative effect of individually insignificant degradations), in which case, and notwithstanding any other provision of law, the management plan and all relevant leases,

16 USC 482b
note.

permits, contracts, rights-of-way, or other rights or authorizations issued pursuant thereto shall forthwith be altered by the Secretary to eliminate such adverse effect by application of different techniques or prohibitions of one or more such practices or uses: *Provided, however,* That use of such water for the production of energy and the transmission of such energy through and over the unit are deemed consistent with the purposes of this Act and the rights-of-way heretofore granted to Bonneville Power Administration by the Forest Service through and over the unit are validated and confirmed and deemed consistent with the purposes of this Act.

Land
management
plans.

Public
participation.

(b) The policy set forth in subsection (a) shall be attained through the development, maintenance, and periodic revision of land management plans in accordance with procedures set forth in section 5 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 477, as amended; 16 U.S.C. 1604), through the maintenance of systems for monitoring and evaluating water quality, and through supporting scientific research as the Secretary may deem necessary after consultation and in coordination with the city. In the development and revision of land management plans for the unit, the Secretary, except as otherwise provided in section 2(a) hereof, shall provide for public participation and shall consult and coordinate with appropriate officials and advisors of the city, and shall consider such data and research as the city may collect through its own monitoring systems and scientific efforts, if any. Such plans shall be prepared by an interdisciplinary team; be embodied in appropriate written material, including maps and other descriptive documents; shall contain water quality standards developed by the Secretary after consultation and in cooperation with the city, which standards shall be substantially based on and shall reflect a quality of water not significantly less than the quality reflected by percentile curves developed from data collected from 1967 through 1975 and, if none, from data collected in the first three years of record thereafter; and be available to the public at convenient locations. The initial plan or plans shall be completed as soon as practicable after the enactment of this Act, but not later than September 30, 1979. Current data shall be compared to historical data at least annually for the purpose of determining compliance with the standards and the significance of any deviation therefrom. Deviations occurring from operation, maintenance, alteration, or construction of water storage, or electrical generation and transmission facilities, seasonal fluctuations, variations in climate, and other natural phenomena, fire, or acts of God, shall not be considered in determining the historical or current percentile curves.

Completion date.

Data, annual
comparison.

Planned
management
programs, review.

Cooperative
agreements.

Arbitration
board,
establishment.

(c) The Secretary or his representative shall, upon request, and at least annually, meet with appropriate officials of the city for the purpose of reviewing planned management programs and the impact thereof on the quality and quantity of the water produced on the unit and assuring that their respective management and operational activities within the unit are appropriately coordinated. The Secretary shall negotiate in good faith cooperative agreements with appropriate officials of the city to effectuate activity coordination.

(d) In the event there is disagreement between the city and the Secretary with respect to the development or revision of the water quality standards provided for herein, or with respect to the effect or the significance of such effect of one or more proposed or existing programs, practices, uses, regulations, or boundary adjustments (except as otherwise specifically provided for herein), on the quantity of the water produced on said unit, or on compliance with the water

quality standards referred to in section 2 (a) and (b) hereof and, therefore, with respect to the necessity for an alteration or prohibition of any such program, practice, use, regulation, or boundary adjustment as required in section 2(a) hereof, an arbitration board for resolving such disagreements shall be established. The Secretary and the city shall, each, forthwith appoint one member to such board and those two members shall select a third. In the event agreement cannot be reached on the third member within seven days after the appointment of the first two, the third member shall be appointed by the presiding judge of the United States District Court for the District of Oregon within seven days after being notified of such disagreement by either of the first two members. All of said members shall be qualified to make a scientific determination of the facts. The contentions of the city and the Secretary shall be submitted to the board in the form of written contentions of fact together with the evidence and analysis that tends to support the position being presented. The board shall forthwith consider and decide, on a scientific basis, the issues in disagreement by majority vote, taking into consideration the evidence and data presented by the parties and such other tests and data which the board by majority vote may require. The decision of such board shall be in the form of written findings of fact and conclusions based thereon and shall be final and binding on the parties. The Secretary and the city shall compensate their designees and share equally the compensation of the third member, and shall provide such technical and administrative support as required.

(e) The Secretary is authorized, after consultation with the city, to promulgate regulations for controlling entry into the unit by all persons including but not limited to—

- (1) employees or contractors of the city engaged in the inspection, maintenance, construction, or improvement of the city's facilities;
 - (2) (i) Federal, State, and local government officers and (ii) employees thereof acting in an official capacity;
 - (3) Federal, State, and local government permittees and contractors conducting authorized activities;
 - (4) members of advisory groups formed pursuant to this Act or ordinances of the city in the performance of their official duties:
- Provided*, That no regulation promulgated pursuant to this subsection shall prohibit ingress or egress to non-Federal lands or to authorized occupancies on, or uses of, Federal lands: *Provided further*, That the Secretary may independently and directly prohibit or restrict all entry into the unit during fire or other emergencies as he may determine.

EFFECT ON OTHER LAWS

SEC. 3. (a) Nothing in this Act shall terminate or affect any lease, permit, contract, patent, right-of-way, or other land use right or authorization existing on the date of approval of this Act and otherwise valid except for the provisions of section 1862 of title 18 of the United States Code.

(b) Nothing in this Act shall in any way affect any law governing appropriation or use of, or Federal right to, water on National Forest System lands; or as expanding or diminishing Federal, State, or local jurisdiction, responsibility, interests, or rights in water resources development or control.

Members,
appointment.

Qualifications.

Decisions.

Compensation
and
administrative
support.

Regulations.

Emergencies.

Savings
provision.
16 USC 482b
note.

Repeal.

(c) Section 1862 of title 18 of the United States Code is hereby repealed.

**Preemption of
State and local
laws.**

(d) Except as otherwise provided for herein, this Act shall take precedence over and supersede all State and local laws dealing with or affecting the subject matter of this Act.

Challenges.

(e) Challenge to actions taken by any governmental unit or official under the provisions of this Act shall not be sustained by any court except upon a showing of arbitrary, unreasonable, capricious, or illegal action or an absence of substantial good faith compliance with the procedural provisions hereof substantially prejudicing the rights of an interested party.

Approved November 23, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-622 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Nov. 2, considered and passed House.

Nov. 4, considered and passed Senate.

Public Law 95-201
95th Congress

An Act

To amend the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975, as amended, in order to extend the authority to enter into special-pay agreements with physicians and dentists; to amend title 38 of the United States Code to modify certain provisions relating to special-pay agreements; and for other purposes.

Nov. 23, 1977

[H.R. 8175]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Administration Physician and Dentist Pay Comparability Amendments of 1977".

SEC. 2. Section 6(a) (2) of the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975 (Public Law 94-123; 89 Stat. 669), as amended, is amended by striking out "September 30, 1977" and inserting in lieu thereof "September 30, 1978".

SEC. 3. (a) Section 4118 of title 38, United States Code, is amended by—

(1) amending subsection (a) (1) by—

(A) striking out "he" and inserting in lieu thereof "the Administrator";

(B) striking out "of," after "duration" and inserting in lieu thereof a comma and "of"; and

(C) striking out "number of years" after "specified" and inserting in lieu thereof "period";

(2) striking out in subsection (a) (3) "pursuant to" and inserting in lieu thereof "in accordance with", and inserting at the end thereof the following new sentence: "Not later than one year after making any such recruitment and retention determination and each year thereafter, the Chief Medical Director shall make a redetermination in accordance with such regulations, and, in the event any such determination was made more than one year prior to the date of enactment of this sentence, the Chief Medical Director shall make such redetermination not later than ninety days after such enactment date.";

(3) inserting at the end of subsection (e) (1) the following new sentences: "Any physician or dentist who entered into an agreement under this section and has not failed to refund any amount which such physician or dentist became obligated to refund under any such agreement shall be eligible to enter into a subsequent agreement under this section. Notwithstanding the provisions of the preceding two sentences, no agreement entered into under this section shall extend beyond September 30, 1981, and any agreement entered into under this section after September 30, 1980, may be for a period of less than one year if the expiration date thereof is September 30, 1981."; and

(4) amending subsection (e) (2) (A) by—

(A) inserting a comma and "or such lesser period of service as provided for in the final sentence of paragraph (1) of this subsection." after "service"; and

(B) striking out "the Chief Medical Director, pursuant to the regulations prescribed under this section, determines" and inserting in lieu thereof "the Chief Medical Director

Veterans'
Administration
Physician and
Dentist Pay
Comparability
Amendments of
1977.
38 USC 101 note.
38 USC 4118
note.

Redetermination.

Eligibility.

determines, in accordance with regulations prescribed under subsection (a) of this section.”.

Special-pay
agreements,
reevaluation.
Report to
Congress.
38 USC 4118
note.
Ante, p. 1429.
2 USC 351 *et seq.*

(b) Prior to the execution after April 30, 1978, of any written agreement entered into with a physician or dentist under section 4118 of title 38, United States Code (as amended by subsection (a) of this section), (1) the Chief Medical Director of the Veterans' Administration shall reevaluate, in view of the executive level pay increase made pursuant to section 225 of the Federal Salary Act of 1967, effective February 27, 1977, with respect to the Veterans' Administration, the need for special-pay agreements, as authorized in such section 4118, in order to recruit and retain highly qualified physicians or dentists in each category of positions in the Department of Medicine and Surgery, and report to Congress not later than April 30, 1978, on the results of such reevaluation with respect to each such category; and (2) notwithstanding such section 4118, the Administrator of Veterans' Affairs, upon the recommendation of the Chief Medical Director and based upon such reevaluations, may promulgate a regulation reducing the amount of primary special pay for any such category to the extent the Administrator finds such primary special pay is not necessary to recruit and retain highly qualified physicians or dentists in such category. If a determination is made to reduce the amount of such primary special pay for any such category, the regulation promulgating the reduction shall be published in the Federal Register not less than thirty days prior to its effective date.

Publication in
Federal Register.

38 USC 4118
note.

(c) The Administrator, not later than thirty days after the date of enactment of this Act, may enter into, under section 4118 of title 38, United States Code (as amended by subsection (a) of this section), with any otherwise eligible physician or dentist who was appointed to a position in the Department of Medicine and Surgery in the Veterans' Administration during the period beginning on October 1, 1977, and ending on the date of enactment of this Act, a special-pay agreement providing for the payment of special pay to such physician or dentist retroactive to the date such physician or dentist was appointed to such position.

English
proficiency
requirement.

SEC. 4. (a)(1) Section 4105 of title 38, United States Code, is amended by inserting at the end thereof the following new subsection:

“(c) Notwithstanding any other provision of law, no person may be appointed under section 4104(1) of this title after the effective date of this subsection to serve in the Department of Medicine and Surgery in any direct patient-care capacity unless the Chief Medical Director determines, in accordance with regulations which the Administrator shall prescribe, that such person possesses such basic proficiency in spoken and written English as will permit such degree of communication with patients and other health-care personnel as will enable such person to carry out such person's health-care responsibilities satisfactorily.”.

(2) Section 4114 of title 38, United States Code, is amended by inserting at the end thereof the following new subsection:

“(f) No person may be appointed under this section after the effective date of this subsection to an occupational category described in section 4104(1) of this title or in subsection (b) of this section unless such person meets the requirements established in section 4105(c) of this title and regulations prescribed thereunder.”.

38 USC 4105
note.
Supra.

(3) Notwithstanding any other provision of law, with respect to persons other than those described in subsection (c) of section 4105 and subsection (f) of section 4114 of title 38, United States Code (as added by paragraphs (1) and (2) of this subsection), who are

appointed after the date of enactment of this Act in the Department of Medicine and Surgery in the Veterans' Administration in any direct patient-care capacity, and with respect to persons described in such subsections who are appointed after such enactment date and prior to January 1, 1978, the Administrator of Veterans' Affairs, upon the recommendation of the Chief Medical Director, shall take appropriate steps to provide reasonable assurance that such persons possess such basic proficiency in spoken and written English as will permit such degree of communication with patients and other health-care personnel as will enable such persons to carry out their health-care responsibilities satisfactorily.

(4) The amendments made by paragraphs (1) and (2) of this subsection shall be effective on January 1, 1978.

(b) Not later than April 1, 1978, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report (1) describing activities undertaken and the persons affected in order to carry out subsection (c) of section 4105 and subsection (f) of section 4114 of title 38, United States Code (as added by paragraphs (1) and (2) of subsection (a) of this section), and subsections (a) (3) and (c) of this section, and (2) providing—

(A) a description of the extent to which there are persons employed by the Veterans' Administration, on or prior to the date of enactment of this Act, in any direct patient-care capacity in the Department of Medicine and Surgery, who do not possess such basic proficiency in spoken and written English as produces the degree of communication with patients and other health-care personnel as is necessary to enable such persons to carry out their health-care responsibilities satisfactorily;

(B) data describing the characteristics and categories of positions of any such persons; and

(C) if, in the opinion of the Administrator, the description and data being provided pursuant to subclauses (A) and (B) of clause (2) of this subsection indicate that there is a problem with respect to the satisfactory performance of such health-care responsibilities arising from such lack of proficiency, a plan to promote the achievement of such proficiency as will enable the persons involved to carry out their health-care responsibilities satisfactorily as well as to deal with any need which the Administrator believes will exist to promote such proficiency on the part of persons appointed after such enactment date who the Administrator has reason to believe do not, in fact, possess such proficiency, including (i) the cost of implementing such plan in each of the succeeding five fiscal years, and (ii) the time periods in which such proficiency on the part of such persons (broken down by appropriate categories and characteristics) can be expected to be achieved.

(c) Section 5001 of title 38, United States Code, is amended by inserting at the end thereof the following new subsection:

“(h) When the Administrator determines, in accordance with regulations which the Administrator shall prescribe, that a Veterans' Administration facility serves a substantial number of veterans with limited English-speaking ability, the Administrator shall establish and implement procedures, upon the recommendation of the Chief Medical Director, to ensure the identification of sufficient numbers of individuals on such facility's staff who are fluent in both the

Effective date.
38 USC 4105
note.

Report to
congressional
committees.
38 USC 4105
note.

Ante, p. 1430.

Dual language
speaking staff
members,
identification.

language most appropriate to such veterans and in English and whose responsibilities shall include providing guidance to such veterans and to appropriate Veterans' Administration staff members with respect to cultural sensitivities and bridging linguistic and cultural differences."

Podiatrists and
optometrists.

SEC. 5. (a) (1) The salary schedule under the heading "SECTION 4103 SCHEDULE" in section 4107 of title 38, United States Code, is amended by striking out "\$36,338 minimum to \$46,026 maximum" after "Director of Podiatric Service," and inserting in lieu thereof "\$39,629 minimum to \$50,197 maximum."

(2) The salary schedule under the heading "CLINICAL PODIATRIST AND OPTOMETRIST SCHEDULE" in section 4107 of title 38, United States Code, is amended to read as follows:

"Chief grade, \$33,789 minimum to \$43,923 maximum.

"Senior grade, \$28,725 minimum to \$37,347 maximum.

"Intermediate grade, \$24,308 minimum to \$31,598 maximum.

"Full grade, \$20,442 minimum to \$26,571 maximum.

"Associate grade, \$17,056 minimum to \$22,177 maximum."

Effective date.
38 USC 4107
note.

(3) The amendments made by paragraphs (1) and (2) of this subsection shall be effective retroactive to the period beginning on October 21, 1976, and ending on October 8, 1977. Notwithstanding any other provision of law, the Administrator of Veterans' Affairs shall establish retroactively for such period intermediate rates of basic pay between the minimum and maximum pay ranges prescribed in the salary schedule under the heading "SECTION 4103 SCHEDULE" for the Director of Podiatric Service and in the "CLINICAL PODIATRIST AND OPTOMETRIST SCHEDULE" in section 4107 of title 38, United States Code.

Employment
conversion,
effective date.
38 USC 4107
note.

(b) Notwithstanding any other provision of law, each person employed in the Department of Medicine and Surgery in the Veterans' Administration as a podiatrist or optometrist shall be converted from employment under part III of title 5, United States Code, to full-time employment under section 4104(1), or temporary full-time employment or part-time employment under section 4114(a)(1)(A), of title 38, United States Code, and each such conversion (including application of the applicable rates of basic pay provided for in the amendments made by subsection (a) of this section) shall be effective retroactive to October 21, 1976, or the most recent date of appointment in the Department of Medicine and Surgery of the employee concerned under such part III, whichever is the later.

Approved November 23, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-585 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Sept. 12, considered and passed House.

Nov. 3, considered in Senate.

Nov. 4, considered and passed Senate, amended; House concurred in Senate amendments.

amount of the work-study allowance agreed to be paid under the agreement in return for the veteran-student's agreement to perform the number of hours of work specified in the agreement.”.

TITLE II—ACCELERATED PAYMENT AND DELIMITING PERIOD EXTENSION

ACCELERATED PAYMENT

SEC. 201. (a) Chapter 34 of title 38, United States Code, is amended by inserting after section 1682 the following new section:

38 USC 1682A. **“§ 1682A. Accelerated payment of educational assistance allowances**

Post, p. 1438. “(a) The Administrator, in accordance with the provisions of this section and section 1798(f) of this title and regulations which the Administrator shall prescribe under such sections, shall accelerate the payment of educational assistance allowances (hereinafter in this section referred to as ‘accelerated payment’) to an eligible veteran who makes application and is eligible therefor and proportionally reduce the educational entitlement of such veteran under section 1661 of this title.

38 USC 1661.
Eligibility
requirements.
Application.

“(b) An eligible veteran who makes application for accelerated payment shall be eligible for such payment in connection with each school term for which such veteran applies for such accelerated payment only if—

“(1) such veteran was enrolled as a full-time student during such school term;

38 USC 1661.

“(2) such veteran was entitled to an educational assistance allowance under section 1661 during such school term;

“(3) such veteran has received, after the date of enactment of this section, a loan for such school term pursuant to section 1798 of this title;

Post, p. 1437.

“(4) the combined amount of tuition and fees of the educational institution in which such veteran was enrolled was in excess of \$700 for such school term;

“(5) the educational institution in which such veteran was enrolled has certified to the Administrator that such veteran has satisfactorily completed the program of education and attained the predetermined and identified educational, professional, or vocational objective which such veteran has been pursuing and has on such basis been awarded by such institution the appropriate educational degree, diploma, or certificate signifying such completion and attainment;

“(6) such application was filed with the Administrator within 180 days after the date (A) on which the degree, diploma, or certificate described in clause (5) of this subsection has been awarded to such veteran, or (B) on which the appropriate State or local governmental unit establishes a program described in clause (8) of this subsection, whichever date is the later;

“(7) the educational institution in which such veteran was enrolled has certified for such school term that 35 per centum or less (or such other per centum as the Administrator prescribes pursuant to section 1673(d) of this title) of the total number of students enrolled in such institution (computed separately for the main campus and any branch or extension of such institution pursuant to regulations prescribed by the Administrator under section 1673(d) of this title) were students receiving educational

Post, p. 1443.

assistance benefits under this chapter or chapter 31, 32, 35, or 36 of this title; and

“(8) the State (or local governmental unit with jurisdiction over the geographical area, or both such State and such unit) in which is located the educational institution in which such veteran was enrolled pays to the Veterans’ Administration (for deposit in the Veterans’ Administration Education Loan Fund established by section 1799 of this title) on such veteran’s behalf an amount not more than the amount of accelerated payment which the Administrator is authorized to make on behalf of such veteran under this section, pursuant to a program established, within five years after the date of enactment of this section, by such State (or unit or both) to match the maximum or a lesser amount of the accelerated payment which the Administrator is authorized to make to any eligible veteran under this section, except that such State (or unit) may limit such program to veterans who are bona fide residents of such State (or unit).”

“(c) Accelerated payments made under this section by the Administrator and matching amounts paid to the Administrator by a State or local governmental unit, as described in subsection (b) (8) of this section, shall constitute a collection of principal on loans made under subchapter III of chapter 36 of this title and shall be deposited in the Veterans’ Administration Education Loan Fund established by section 1799 of this title. The Administrator shall promptly notify each veteran on whose behalf such a principal collection and deposit has been made of the amount by which such collection and deposit reduces the principal repayment obligation of such veteran.

“(d) In no event may the amount of accelerated payment made by the Administrator in connection with any school term exceed (1) an amount equal to the educational assistance allowance to which such veteran was otherwise entitled under section 1682 of this title for such school term, (2) an amount equal to 33 $\frac{1}{3}$ per centum of the amount by which the expenses of tuition and fees are in excess of \$700 for such school term, (3) an amount equal to 33 $\frac{1}{3}$ per centum of the amount by which the amount of the outstanding obligation of such veteran under any loan made pursuant to section 1798 of this title is in excess of \$700, or (4) the amount which the State (or local governmental unit or both) concerned pays to the Administrator to match the accelerated payment to be made by the Administrator on behalf of such veteran, whichever is the least amount.

“(e) As used in this section, the term ‘school term’ means—

“(1) in the case of an institution of higher learning operating on a quarter system, three such consecutive quarters;

“(2) in the case of an institution of higher learning operating on a semester system, two such consecutive semesters; or

“(3) in the case of an educational institution not an institution of higher learning, or, in the case of an institution of higher learning not operating on a quarter or semester system, any time division, approved by the Administrator, of a program of education within which segments of the program are completed.”

(b) Chapter 35 of title 38, United States Code, is amended by inserting after section 1737 the following new section:

“§ 1738. Accelerated payment of educational assistance allowances

“An eligible person shall be entitled to an accelerated payment of educational assistance allowances pursuant to the provisions of section 1682A of this title.”

38 USC 1501,
1601, 1700,
1770.

State or local
government
payment.

38 USC 1799.

Loan principal
collection.
Deposits, VA
Educational Loan
Fund.

38 USC 1798.

Notice.

Accelerated
payments,
limitation.

Ante, p. 1434.

Post, p. 1438.

“School term.”

38 USC 1738.

Ante, p. 1436.

38 USC prec. 1651. (c) (1) The table of sections at the beginning of chapter 34 of such title is amended by inserting

“1682A. Accelerated payment of educational assistance allowances.”

below

“1682. Computation of educational assistance allowances.”.

38 USC prec. 1700. (2) The table of sections at the beginning of chapter 35 of such title is amended by inserting

“1738. Accelerated payment of educational assistance allowances.”

below

“1737. Education loans.”.

Notice.
Publication in
Federal Register.
38 USC 1682A
note.

(d) The Administrator of Veterans' Affairs, not later than 60 days after the date of enactment of this Act, shall notify each appropriate educational institution that accelerated payments (as provided for in subsection (a) of this section) may be available for certain students enrolled at such institutions, specifying the full conditions and procedures governing such payments, and, not later than 90 days after such date of enactment, shall publish in the Federal Register, and notify each State of, the rules and regulations governing the accelerated payment program.

Certain prorated
payments, 1978.
38 USC 1682A
note.

(e) Notwithstanding the provisions of section 1682A or section 1738 of title 38, United States Code, as added by subsections (a) and (b) of this section, eligible veterans and eligible persons entitled thereunder shall, in connection with a semester or two consecutive quarters beginning after January 1, 1978, and ending prior to August 1, 1978, be entitled to accelerated payment of educational assistance allowances upon application therefor, but the amounts of such accelerated payment which may be made in connection with any such semester or quarters, the number of months by which such veteran's or person's entitlement shall be reduced, and any quantifiable eligibility criteria shall be appropriately prorated by the Administrator of Veterans' Affairs.

EDUCATION LOAN ELIGIBILITY

SEC. 202. Section 1798 of title 38, United States Code, is amended by—

(1) striking out in subsection (b) (3) “\$1,500” and inserting in lieu thereof “\$2,500”;

(2) amending subsection (c) by—

Waiver.

(A) striking out the semicolon at the end of clause (1) and inserting in lieu thereof a comma and “except that the Administrator may waive the requirements of subclause (B) of this clause, in whole or in part, if the Administrator determines, pursuant to regulations which the Administrator shall prescribe, it to be in the interest of the eligible veteran and the Federal Government; and”; and

(B) striking out clause (2) and redesignating clause (3) as clause (2);

(3) inserting in subsection (e) (3) a comma and “separately with respect to loans made under this section the repayment of which is accelerated under section 1682A of this title and loans made under this section the repayment of which is not so accelerated” after “institutions”; and

Ante, p. 1436.

(4) inserting at the end thereof the following new subsection:
 “(f) (1) At the time of application by any eligible veteran for a loan under this section, such veteran shall assign to the benefit of the Veterans’ Administration (for deposit in the Veterans’ Administration Education Loan Fund established under section 1799 of this title) the amount of any accelerated payment to which such eligible veteran may become entitled from the Administrator and any matching contribution by a State or local governmental unit pursuant to section 1682A(b)(8) of this title in connection with the school term for which such veteran has applied.

Accelerated payments, assignment for benefit of VA.

Ante, p. 1437.

“(2) Payment of a loan made under this section shall be drawn in favor of the eligible veteran and mailed promptly to the educational institution in which such veteran is enrolled. Such institution shall deliver such payment to the eligible veteran as soon as practicable after receipt thereof. Upon delivery of such payment to the eligible veteran, such educational institution shall promptly submit to the Administrator a certification, on such form as the Administrator shall prescribe, of such delivery, and such delivery shall be deemed to be an advance payment under section 1780(d)(5) of this title for purposes of section 1784(b) of this title.

Loan payment delivery.

Delivery certification.

38 USC 1780.

Post, p. 1442.

“Eligible veteran.”

“(3) For purposes of this subsection, the term ‘eligible veteran’ includes eligible person as such term is defined in section 1701(1) of this title.”

38 USC 1701.

DELIMITING PERIOD EXTENSION

SEC. 203. (a) (1) Section 1662 of title 38, United States Code, is amended by striking out the period at the end of subsection (a) and inserting in lieu thereof a semicolon and “except that, in the case of any eligible veteran who was prevented from initiating or completing such veteran’s chosen program of education within such time period because of a physical or mental disability which was not the result of such veteran’s own willful misconduct, such veteran shall, upon application, be granted an extension of the applicable delimiting period for such length of time as the Administrator determines, from the evidence, that such veteran was prevented from initiating or completing such program of education.”

Eligibles with physical or mental disability.

(2) Section 1712(b) of title 38, United States Code, is amended by—

(A) inserting “(1)” after “(b)”,

(B) redesignating clauses (1) and (2) as clauses (A) and (B),

and

(C) adding at the end thereof the following new paragraph:

“(2) Notwithstanding the provisions of paragraph (1) of this subsection, in the case of any eligible person (as defined in section 1701(a)(1)(B), (C), or (D) of this chapter) who was prevented from initiating or completing such person’s chosen program of education within such period because of a physical or mental disability which was not the result of such person’s own willful misconduct, such person shall, upon application, be granted an extension of the applicable delimiting period for such length of time as the Administrator determines, from the evidence, that such person was prevented from initiating or completing such program of education.”

38 USC 1701.

(b) (1) Section 1662(a) of title 38, United States Code, is further amended by inserting “(1)” after “(a)” and inserting at the end thereof the following new paragraph:

Certain full-time students, completion period, extension.

“(2) (A) Notwithstanding the provisions of paragraph (1) of this subsection, any veteran shall be permitted to use any of such veteran’s

38 USC 1661.

38 USC 1798.

Delimiting period
extension,
duration.
38 USC 1770 *et*
seq.

unused entitlement under section 1661 of this title for the purposes of eligibility for an education loan, pursuant to the provisions of subchapter III of chapter 36 of this title, after the delimiting date otherwise applicable to such veteran under such paragraph (1), if such veteran was pursuing an approved program of education on a full-time basis at the time of the expiration of such veteran's eligibility.

“(B) Notwithstanding any other provision of this chapter or chapter 36 of this title, any veteran whose delimiting period is extended under subparagraph (A) of this paragraph may continue to use any unused loan entitlement under this paragraph as long as the veteran continues to be enrolled on a full-time basis in pursuit of the approved program of education in which such veteran was enrolled at the time of expiration of such veteran's eligibility (i) until such entitlement is exhausted, (ii) until the expiration of two years after the date of enactment of this paragraph or the date of the expiration of the delimiting date otherwise applicable to such veteran under paragraph (1) of this subsection, whichever is later, or (iii) until such veteran has completed the approved program of education in which such veteran was enrolled at the end of the delimiting period referred to in paragraph (1) of this subsection, whichever occurs first.”

(2) Section 1712 of title 38, United States Code, is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following new subsection:

“(f) Any eligible person (as defined in section 1701(a)(1) (B), (C), or (D) of this chapter) shall be entitled to an additional period of eligibility for an education loan under subchapter III of chapter 36 of this title beyond the maximum period provided for in this section pursuant to the same terms and conditions set forth with respect to an eligible veteran in section 1662(a) (2) of this title.”

Ante, p. 1439.

TITLE III—OTHER EDUCATION AND TRAINING AMENDMENTS

CITATION OF AUTHORITY

Rules,
regulations,
guidelines,
interpretations,
or orders.

SEC. 301. Section 210(c)(1) of title 38, United States Code, is amended by inserting at the end thereof the following new sentence: “Any rules, regulations, guidelines, or other published interpretations or orders, or any amendment thereto, issued pursuant to the authority granted by this subsection or any other provision of this title shall contain, immediately following each substantive provision of such rules, regulations, guidelines, or other published interpretations or orders, or any amendment thereto, citations to the particular section or sections of statutory law or other legal authority upon which such rule, regulation, guideline, or other published interpretation or order is based or, in the case of any amendment thereto, upon which such amendment and the rule, regulation, guideline, interpretation or order being amended is based.”

COUNSELING SERVICES AND PRE-DISCHARGE EDUCATION PROGRAM REPORT ELIMINATION

SEC. 302. (a) Section 1663 of title 38, United States Code, is amended by—

(1) striking out the first sentence and inserting in lieu thereof “The Administrator shall make available to any eligible veteran, upon such veteran's request, counseling services, including such educational and vocational counseling and guidance, testing, and

other assistance as the Administrator deems necessary to aid such veteran in selecting (1) an educational or training objective and an educational institution or training establishment appropriate for the attainment of such objective, or (2) an employment objective that would be likely to provide such veteran with satisfactory employment opportunities in light of such veteran's personal circumstances." and

(2) inserting at the end thereof the following new sentence: "The Administrator shall take appropriate steps (including individual notification where feasible) to acquaint all eligible veterans with the availability and advantages of such counseling services."

(b) Section 1698(b) of title 38, United States Code, is amended by striking out "and periodically thereafter submits progress reports with respect to the implementation of such plan," after "report),".

STATE APPROVING AGENCY REIMBURSEMENT AND REPORT

Sec. 303. Section 1774 of title 38, United States Code, is amended by—

(1) amending subsection (b) to read as follows:

"(b) The allowance for administrative expenses incurred pursuant to subsection (a) of this section shall be paid in accordance with the following formula:

Administrative
expenses.

"Total salary cost reimbursable under this section	Allowable for administrative expense
\$5,000 or less-----	\$630.
Over \$5,000 but not exceeding \$10,000-----	\$1,134.
Over \$10,000 but not exceeding \$35,000-----	\$1,134 for the first \$10,000 plus \$1,050 for each additional \$5,000 or fraction thereof.
Over \$35,000 but not exceeding \$40,000-----	\$6,862.
Over \$40,000 but not exceeding \$75,000-----	\$6,862 for the first \$40,000 plus \$908 for each additional \$5,000 or fraction thereof.
Over \$75,000 but not exceeding \$80,000-----	\$13,608.
Over \$80,000-----	\$13,608 for the first \$80,000 plus \$793 for each additional \$5,000 or fraction thereof.";

and

(2) inserting at the end thereof the following new subsection:

"(c) Each State and local agency with which the Administrator contracts or enters into an agreement under subsection (a) of this section shall report to the Administrator on September 30, 1978, and periodically, but not less often than annually, thereafter, as determined by the Administrator, on the activities in the preceding twelve months (or the period which has elapsed since the last report under this subsection was submitted) carried out under such contract or agreement. Each such report shall describe, in such detail as the Administrator shall prescribe, services performed and determinations made in connection with ascertaining the qualifications of educational institutions in connection with this chapter and chapters 32, 34, and 35 of this title and in supervising such institutions.

Contracts or
agreements.
Report to
Administrator.

38 USC 1601,
1651, 1700.

REPORTING FEES, INSTITUTIONAL ATTENDANCE REQUIREMENTS,
AND VOCATIONAL COURSE MEASUREMENT

SEC. 304. (a) Chapter 36 of title 38, United States Code, is amended by—

38 USC 1784.

(1) amending section 1784(b) by—

(A) striking out “\$5” and “\$6” in the second sentence and inserting in lieu thereof “\$7” and “\$11”, respectively; and

(B) inserting at the end thereof the following new sentence: “No reporting fee payable to an educational institution under this subsection shall be subject to offset by the Administrator against any liability of such institution for any overpayment for which such institution may be administratively determined to be liable under section 1785 of this title unless such liability is not contested by such institution or has been upheld by a final decree of a court of appropriate jurisdiction.”;

Infra.

38 USC 1785.

(2) amending section 1785 by—

(A) inserting in the first sentence a comma and “except as otherwise provided in section 1784(b) of this title,” after “recovered”; and

(B) inserting at the end thereof the following new sentence: “Nothing in this section or any other provision of this title shall be construed as requiring any institution of higher learning to maintain daily attendance records for any course leading to a standard college degree.”; and

38 USC 1788.

(3) amending section 1788(a) by—

(A) inserting in clause (1) “and not more than 5 hours of supervised study” after “two and one-half hours of rest periods”; and

(B) striking out in clause (1) “27” and inserting in lieu thereof “22”;

(C) inserting in clause (2) “and not more than 5 hours of supervised study” after “net of instruction” the first time it appears; and

(D) striking out in clause (2) “22” and inserting in lieu thereof “18”.

Study.
38 USC 1792
note.

(b) (1) The Administrator of Veterans' Affairs, in consultation with the Advisory Committee formed pursuant to section 1792 of title 38, United States Code, shall provide for the conduct of an independent study of the operation of the programs of educational assistance carried out under chapters 34 and 36 of title 38, United States Code. Such study shall include a detailed examination and analysis of the extent to which eligible veterans (A) have utilized their entitlements (broken down by State, type of program, and post-Korean-Conflict-pre-Vietnam-era and Vietnam-era service periods), including the extent to which they have successfully completed their programs of education or attained their educational or vocational objectives; and (B) have readjusted successfully to civilian life in terms of employment achievement and satisfaction and family and other interpersonal relationships. A report of such study shall be submitted to the President and the Congress not later than September 30, 1979.

38 USC 1651,
1770.

(2) For the purposes of carrying out paragraph (1) of this subsection, there are authorized to be appropriated \$2,000,000.

Report to
President and
Congress.

Appropriation
authorization.

OPERATION PERIOD WAIVER, EDUCATIONAL INSTITUTION AND
ADMINISTRATIVE PROCEDURES

SEC. 305. (a) (1) Section 1789 of title 38, United States Code, is amended by—

- (A) inserting at the end of subsection (b) immediately below clause (6) the following new sentence:
 “The Administrator may waive the requirements of clause (6) of this subsection, in whole or in part, if the Administrator determines, pursuant to regulations which the Administrator shall prescribe, it to be in the interest of the eligible veteran and the Federal Government.”; and
- (B) adding at the end of subsection (c) the following new sentence: “The Administrator may waive the requirements of this subsection, in whole or in part, if the Administrator determines, pursuant to regulations which the Administrator shall prescribe, it to be in the interest of the eligible veteran and the Federal Government.”.
- (2) Section 1673(d) of title 38, United States Code, is amended by—
- (A) inserting in the second sentence a comma and “pursuant to regulations which the Administrator shall prescribe,” after “determines”; and
- (B) inserting at the end thereof the following new sentences:
 “The provisions of this subsection shall not apply to any course offered by an educational institution if the total number of veterans and persons receiving assistance under this chapter or chapter 31, 32, 35, or 36 of this title who are enrolled in such institution equals 35 per centum or less, or such other per centum as the Administrator prescribes in regulations, of the total student enrollment at such institution (computed separately for the main campus and any branch or extension of such institution), except that the Administrator may apply the provisions of this subsection with respect to any course in which the Administrator has reason to believe that the enrollment of such veterans and persons may be in excess of 85 per centum of the total student enrollment in such course.”.
- (3) The Administrator of Veterans' Affairs, in consultation with other appropriate departments and agencies, shall conduct a study to examine the need for computing, under section 1673(d) of title 38, United States Code, the percentage of those students enrolled in courses at educational institutions who are in receipt of grants from any Federal department or agency, and the problems of such institutions in making such latter computations, and shall, not later than September 30, 1978, submit a report to the Congress indicating whether such computations are needed and prescribing in detail an adequate system for making such computations. Until the expiration of six months after the date of submission of such report and until such time as the Administrator shall determine, based on such report, that there is an adequate and feasible system for making such computations and that it is desirable and necessary to make such computations, the Administrator shall not apply the provisions contained in section 1673(d) of title 38, United States Code, requiring educational institutions in determining compliance with such subsection to compute the numbers of students in receipt of Federal grants other than from the Veterans' Administration.
- (b)(1) Sections 1674 and 1724 of title 38, United States Code, are amended by inserting a comma and “or within such other length of time (exceeding such approved length) as the Administrator determines to be reasonable in accordance with regulations” before the period at the end of the second sentence in each section.
- (2) The Administrator of Veterans' Affairs, in consultation with appropriate bodies, officials, persons, departments, and agencies, shall

Waiver.
38 USC 1789.

Waiver.

Enrollment in
certain courses,
disapproval.
Regulations.

38 USC 1501,
1601, 1700,
1770.

Study.
Report to
Congress.
38 USC 1673
note.
Supra.

Study.
38 USC 1674
note.

38 USC 1601,
1651, 1700,
1770.

Report to
President and
Congress.
Legislative
recommendations.

Appropriation
authorization.
Amendments,
suspension of
implementation.

38 USC 1776.

Undue hardship,
relief.
38 USC 3101
note.

38 USC 1695.

conduct a study to investigate (A) specific methods of improving the process by which postsecondary educational institutions and courses at such institutions are and continue to be approved for purposes of chapters 32, 34, 35, and 36 of title 38, United States Code; and (B) in recognition of the importance of assuring that Federal assistance is made available to those eligible veterans and persons seriously pursuing and making satisfactory progress toward an educational or vocational objective under such chapters, the need for legislative or administrative action in regard to sections 1674 and 1724 of title 38, United States Code, and the regulations prescribed thereunder. A report of such study, together with such specific recommendations for administrative or legislative action as the Administrator deems appropriate, shall be submitted to the President and the Congress not later than September 30, 1979, except that the portion of the report of such study described in clause (B) of the preceding sentence shall be submitted not later than September 30, 1978.

(3) For the purpose of carrying out paragraph (1) of this subsection, there are authorized to be appropriated \$1,000,000.

(4) (A) Until such time as the Administrator submits the report required under the second sentence of paragraph (2) of this subsection, the Administrator shall suspend implementation of the amendments to sections 1674 and 1724 of title 38, United States Code, made by sections 206 and 307, respectively, of Public Law 94-502, in the case of any accredited educational institution which submits to the Administrator its course catalog or bulletin and a certification that the policies and regulations described in clauses (6) and (7) of section 1776(b) are being enforced by such institution, unless the Administrator finds, pursuant to regulations which the Administrator shall prescribe, that such catalog or bulletin fails to state fully and clearly such policies and regulations.

(B) The Administrator shall, where appropriate, bring to the attention of the Council on Postsecondary Accreditation and the appropriate accrediting and licensing bodies such catalogs, bulletins, and certifications submitted under subparagraph (A) of this paragraph which the Administrator believes may not be in compliance with the standards of such accrediting and licensing body.

(c) (1) Where an educational institution—

(A) has in its possession veterans' or eligible persons' benefit checks made payable to a veteran or eligible person and mailed to such educational institution for a course offered (i) under the provisions of subchapter VI of chapter 34 of title 38, United States Code, or (ii) at a location not in a State under the provisions of section 1676 of title 38, United States Code, and which course was commenced by such veteran or eligible person prior to December 1, 1976, and completed not later than June 30, 1977; and

(B) holds a power of attorney executed by the veteran or eligible person prior to December 1, 1976, authorizing the educational institution to negotiate such benefit check,
the Administrator may, where the Administrator finds there is undue hardship on such educational institution, provide such relief as the Administrator determines equitable pursuant to regulations which the Administrator shall prescribe.

(2) Where an accredited correspondence school—

(A) has in its possession veterans' or eligible persons' benefit checks made payable to a veteran or eligible person and mailed to such school for lessons completed by the veteran or eligible person

under section 1786 of this title and serviced by the school prior to January 1, 1977; and *Ante*, p. 1435.

(B) holds a power of attorney executed by the veteran or eligible person prior to December 1, 1976, authorizing the school to negotiate such benefit check,
the Administrator may, where the Administrator finds that there is undue hardship on such educational institution and the courses were taken by veterans or eligible persons residing in a State, provide such relief as the Administrator determines equitable pursuant to regulations which the Administrator shall prescribe.

TERMINATION OF ASSISTANCE REQUIREMENTS

SEC. 306. Section 1790(b) of title 38, United States Code, is amended by inserting “(1)” after “(b)”, and inserting at the end thereof the following new paragraph:

“(2) Any action by the Administrator under paragraph (1) of this subsection to discontinue (including to suspend) assistance provided to any eligible veteran or eligible person under this chapter or chapter 31, 32, 34, or 35 of this title shall be based upon evidence that the veteran or eligible person is not or was not entitled to such assistance. Whenever the Administrator so discontinues any such assistance, the Administrator shall concurrently provide written notice to such veteran or person of such discontinuance and that such veteran or person is entitled thereafter to a statement of the reasons therefor such action and an opportunity to be heard thereon.”.

38 USC 1501,
1651, 1700,
1770.
Notice.

VOCATIONAL REHABILITATION STUDY

SEC. 307. The Administrator of Veterans' Affairs, in consultation with the Commissioner of Rehabilitation Services, Department of Health, Education, and Welfare, shall conduct a study in regard to the provisions of chapter 31 of title 38, United States Code. The report of such study shall include (1) the Administrator's recommendations for legislative or administrative changes in such chapter, (2) the Administrator's recommendations with regard to the need for the services of vocational rehabilitation specialists to provide chapter 31 trainees with appropriate job development and job placement assistance, and (3) the Administrator's recommendations for utilizing the veterans education programs provided by chapters 32, 34, 35, and 36 of such title to meet the needs of disabled veterans eligible for assistance under such chapter 31 and such other chapters. Such report shall also include a description and analysis of the scope and quality of vocational rehabilitation assistance provided under such chapter 31 in comparison with vocational rehabilitation services provided under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.). The report of such study shall be submitted to the President and the Congress not later than March 1, 1978.

Consultation.
38 USC 1501
note.
Report.
Contents.

38 USC 1770.

Report to
President and
Congress.

VETERANS READJUSTMENT APPOINTMENTS REPORT

SEC. 308. Section 2014(b) of title 38, United States Code, is amended by inserting at the end thereof the following new sentence: “The Chairman of the Civil Service Commission shall submit to the President and the Congress, not later than six months after the date of enactment of the GI Bill Improvement Act of 1977, a report on the need for the continuation after June 30, 1978, of the authority for veterans readjustment appointments contained in this subsection.”.

Report to
President and
Congress.

TECHNICAL AMENDMENTS

SEC. 309. (a) Section 101(29) of title 38, United States Code, is amended by striking out “such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress” and inserting in lieu thereof “May 7, 1975”.

(b) Section 2007(c) of title 38, United States Code, is amended by striking out “2001” and inserting in lieu thereof “2004”.

VETERANS COST-OF-INSTRUCTION TRANSFER AUTHORITY

38 USC 246 note.

20 USC
1070e-1.

SEC. 310. (a) Notwithstanding any other provision of law, (1) the Administrator of Veterans' Affairs is authorized to administer, pursuant to an interagency agreement, the programs carried out under the provisions of section 420 of the Higher Education Act of 1965; (2) the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, is authorized to enter into such interagency agreement to transfer to the Administrator the functions, powers, and duties of the Commissioner under such section; and (3) pursuant to any such agreement, funds appropriated to such Department or the Office of Education in such Department for the purpose of carrying out such section shall be transferred from the Department to the Veterans' Administration for use for the purposes for which such funds are authorized and appropriated. Any such agreement shall provide, for such period of time as may be agreed upon by the Commissioner and the Administrator, for such appropriate technical and support assistance by the Commissioner as the Commissioner and the Administrator agree are necessary to facilitate the implementation of this section.

(b) Effective on the date on which the Commissioner of Education transfers to the Administrator of Veterans' Affairs, under authority of subsection (a) of this section, all functions, powers, and duties assigned to the Commissioner under section 420 of the Higher Education Act of 1965 such section is superceded and chapter 3 of title 38, United States Code, is amended by—

(1) inserting after section 245 the following new section:

38 USC 246.

“§ 246. Veterans cost-of-instruction payments to institutions of higher learning

“(a) (1) During the period beginning on July 1, 1972, and ending on September 30, 1979, each institution of higher learning shall be entitled to a payment under, and in accordance with, this section during any fiscal year if—

38 USC 1501.

38 USC 1651.

“(A) the number of persons who are veterans receiving vocational rehabilitation under chapter 31 of this title or veterans receiving educational assistance under chapter 34 of this title, and who are in attendance as undergraduate students at such institution during any academic year, equals at least—

“(i) 110 per centum of the number of such recipients who were in attendance at such institution during the preceding academic year, or

“(ii) 10 per centum of the total number of undergraduate students in attendance at such institution during such academic year and if such number does not constitute a per centum of such undergraduate students which is less than such per centum for the preceding academic year; and

“(B) the number of such persons is at least 25.

“(2) During the period specified in paragraph (1) of this subsection, each institution which has qualified for a payment under

this section for any fiscal year shall be entitled during the succeeding year, notwithstanding such paragraph (1), to a payment under and in accordance with this section, if the number of persons referred to in such paragraph (1) equals at least the number of such persons who were in attendance at such institution during the preceding academic year or equals at least the minimum number of such persons necessary to establish eligibility to entitlement under such paragraph (1) during the preceding academic year, whichever is the lesser. Each institution which is entitled to a payment for any fiscal year by reason of the preceding sentence shall be deemed, for the purposes of any such year succeeding the year for which it is so entitled, to have been entitled to a payment under such paragraph (1) during the preceding fiscal year.

“(b)(1) The amount of the payment to which any institution shall be entitled under this section for any fiscal year shall be—

“(A) \$300 for each veteran receiving vocational rehabilitation under chapter 31 of this title, or educational assistance under chapter 34 of this title, who is in attendance at such institution as an undergraduate student during such year; and 38 USC 1501.
38 USC 1651.

“(B) in addition, \$150, except in the case of a veteran on behalf of whom the institution has received a payment in excess of \$150 under section 419 of the Higher Education Act of 1965 for each veteran who has been the recipient of educational assistance under subchapter V or subchapter VI of chapter 34 of this title and who is in attendance at such institution as an undergraduate student during such year. 20 USC 1070e.

“(2) In any case where a veteran on behalf of whom a payment is made under this section is enrolled in an institution on less than a full-time basis, the amount of the payment on behalf of such veteran shall be reduced in proportion to the degree to which such veteran is not enrolled on a full-time basis.

“(c)(1) An institution of higher education shall be eligible to receive the payment to which it is entitled under this section only if it makes application therefor to the Administrator. An application under this section shall be submitted at such time or times, in such manner, in such form, and containing such information as the Administrator determines necessary to carry out the functions assigned to the Administrator under this section, and shall—

“(A) meet the requirements set forth in clauses (A) and (B) of section 419(c)(1) of the Higher Education Act of 1965;

“(B) set forth such plans, policies, assurances, and procedures as will ensure that the applicant will make an adequate effort—

“(i) to maintain a full-time office of veterans' affairs which has responsibility for veterans' outreach, recruitment, and special education programs, including the provisions of educational, vocational, and personal counseling for veterans, Full-time office of veterans' affairs.

“(ii) to carry out programs designed to prepare educationally disadvantaged veterans for postsecondary education (I) under subchapter V of chapter 34 of this title, and (II) in the case of any institution located near a military installation, under subchapter VI of such chapter 34, 38 USC 1690.
38 USC 1695.

“(iii) to carry out active outreach (with special emphasis on educationally disadvantaged veterans), recruiting, and counseling activities through the use of funds available under federally-assisted work-study program (with special emphasis on the veteran-student services program under section 1685 of this title), and

“(iv) to carry out an active tutorial assistance program Tutorial program.

(including dissemination of information regarding such program) in order to make maximum use of the benefits available under section 1692 of this title.

**Consortium
agreements.**

Notwithstanding clause (B) of the preceding sentence, an institution with less than 2,500 students in attendance which the Administrator determines, in accordance with regulations jointly prescribed by the Administrator and the Commissioner of Education, Department of Health, Education, and Welfare, cannot feasibly itself carry out any or all of the programs set forth in subclauses (i) through (iv) of clause (B) of the preceding sentence, may carry out such program or programs through a consortium agreement with one or more other institutions of higher education, and shall be required to carry out such programs only to the extent that the Administrator determines, in accordance with regulations jointly prescribed by the Administrator and the Commissioner of Education, is appropriate in terms of the number of veterans in attendance at such institution. The adequacy of efforts to meet the requirements of such clause (B) shall be determined by the Administrator, in consultation with the Commissioner of Education, based upon criteria established in regulations jointly prescribed by them.

Consultation.

“(2) The Administrator shall not approve an application under this subsection unless the Administrator determines that the applicant will implement the requirements of clause (B) of paragraph (1) of this subsection within the first academic year during which such institution receives a payment under this section.

Payments.

“(d) (1) The Administrator shall pay to each institution of higher learning which has had an application approved under subsection (c) of this section the amount to which it is entitled under this section. Payments under this subsection shall be made in not less than three installments during each academic year and shall be based on the actual number of veterans on behalf of whom such payments are made in attendance at the institution at the time of the payment.

Limitation.

“(2) The maximum amount of payments to any institution of higher learning, or any branch thereof which is located in a community which is different from that in which the parent institution thereof is located, in any fiscal year, shall be \$135,000. In making payments under this section for any fiscal year, the Administrator shall apportion the appropriation for making such payments, from funds which become available as a result of the limitation on payments set forth in the preceding sentence, in such a manner as will result in the receipt by each institution which is eligible for a payment under this section of first \$9,000 (or the amount of its entitlement for that fiscal year, whichever is the lesser) and then additional amounts up to the limitation set forth in the preceding sentence.

Waiver.

“(e) Not less than 75 per centum of the amounts paid to any institution under subsection (d) of this section in any fiscal year shall be used to implement the requirement of clause (B) (i) of paragraph (1) of subsection (c) of this section, and, to the extent that such funds remain after implementing such requirements, funds limited by such 75 per centum requirement shall be used for implementing the requirements of clauses (B) (ii), (iii), and (iv) of such paragraph (1), except that the Administrator may, in accordance with criteria established in regulations jointly prescribed by the Administrator and the Commissioner of Education, waive the requirement of this subsection to the extent that the Administrator finds that such institution is adequately carrying out all such requirements without the necessity for such application of such amount of the payments received under this subsection.

“(f) The Administrator, in carrying out the provisions of this section, shall seek to assure the coordination of programs assisted under this section with programs carried out by the Commissioner of Education pursuant to the Higher Education Act of 1965, and the Commissioner shall provide all assistance, technical consultation, and information otherwise authorized by law as necessary to promote the maximum effectiveness of the activities and programs assisted under this section.

20 USC 1001
note.

“(g) The program provided for in this section shall be administered by an identifiable administrative unit in the Veterans’ Administration.”; and

(2) inserting in the table of sections at the beginning of such chapter

“246. Veterans’ cost-of-instruction payments to institutions of higher learning.”
below

“245. Report to Congress.”.

HOUSING SOLAR ENERGY AND WEATHERIZATION STUDY

Sec. 311. In accordance with the national policy to conserve energy and promote the maximum utilization of solar energy, the Administrator of Veterans’ Affairs, in consultation with the Secretary of Energy and the Secretary of Housing and Urban Development, shall conduct a study to determine the most effective specific methods of using the programs carried out under, or amending the provisions of, chapter 37 of title 38, United States Code, in order to aid and encourage present and prospective veteran homeowners to install in their homes solar heating, solar heating and cooling, or combined solar heating and cooling, and to apply residential energy conservation measures. The report of such study shall include a description of plans for administrative action to carry out such national policy as well as such recommendations for legislative action as the Administrator deems appropriate, and shall be submitted to the President and the Congress not later than March 1, 1978.

Study.
38 USC 1820
note.

38 USC 1801.

Report to
President and
Congress.
Legislative
recommendations.

TITLE IV—WOMEN’S AIR FORCES SERVICE PILOTS

Sec. 401. (a) (1) Notwithstanding any other provision of law, the service of any person as a member of the Women’s Air Forces Service Pilots (a group of Federal civilian employees attached to the United States Army Air Force during World War II), or the service of any person in any other similarly situated group the members of which rendered service to the Armed Forces of the United States in a capacity considered civilian employment or contractual service at the time such service was rendered, shall be considered active duty for the purposes of all laws administered by the Veterans’ Administration if the Secretary of Defense, pursuant to regulations which the Secretary shall prescribe—

Active duty
status.
38 USC 106 note.

(A) after a full review of the historical records and all other available evidence pertaining to the service of any such group, determines, on the basis of judicial and other appropriate precedent, that the service of such group constituted active military service, and

Record review.

(B) in the case of any such group with respect to which such Secretary has made an affirmative determination that the service of such group constituted active military service, issues to each member of such group a discharge from such service under honor-

Discharge.

and conditions where the nature and duration of the service of such member so warrants.

Discharges issued pursuant to the provisions of the first sentence of this paragraph shall designate as the date of discharge that date, as determined by the Secretary of Defense, on which such service by the person concerned was terminated.

(2) In making a determination under clause (A) of paragraph (1) of this subsection with respect to any group described in such paragraph, the Secretary of Defense may take into consideration the extent to which—

(A) such group received military training and acquired a military capability or the service performed by such group was critical to the success of a military mission,

(B) the members of such group were subject to military justice, discipline, and control;

(C) the members of such group were permitted to resign,

(D) the members of such group were susceptible to assignment for duty in a combat zone, and

(E) the members of such group had reasonable expectations that their service would be considered to be active military service.

Benefits,
payment
limitation.

(b) (1) No benefits shall be paid to any person for any period prior to the date of enactment of this title as a result of the enactment of subsection (a) of this section.

(2) The provisions of section 106(a) (2) of title 38, United States Code, relating to election of benefits, shall be applicable to persons made eligible for benefits, under laws administered by the Veterans' Administration, as a result of implementation of the provisions of subsection (a) of this section.

TITLE V—EFFECTIVE DATES

38 USC 101 note.

SEC. 501. The provisions of this Act shall become effective on the first day of the first month beginning 60 days after the date of enactment of this Act, except that the provisions of title I and section 304(a) (1) (A) shall be effective retroactively to October 1, 1977, the provisions of sections 201 and 202 shall become effective on January 1, 1978, the provisions of section 203 shall be effective retroactively to May 31, 1976, and the provisions of sections 301, 302(2), 304(a) (1) (B), 304(a) (2), 305(a) (3), 305(b) (2), 305(b) (3), 305(b) (4), 305(c), 306, 307, 308, 309, and 310 and of title IV shall be effective upon enactment.

Approved November 23, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-586 (Comm. on Veterans' Affairs).

SENATE REPORTS: No. 95-468 and No. 95-468, pt. II accompanying S. 457 (both from Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Sept. 12, considered and passed House.

Oct. 19, considered and passed Senate, amended, in lieu of S. 457.

Nov. 3, House agreed to Senate amendment with an amendment.

Nov. 4, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 48:

Nov. 23, Presidential statement.

Public Law 95-203
95th Congress

An Act

To require studies concerning carcinogenic and other toxic substances in food, the regulation of such food, the impurities in and toxicity of saccharin, and the health benefits, if any, resulting from the use of nonnutritive sweeteners; to prohibit for 18 months the Secretary of Health, Education, and Welfare from taking certain action restricting the continued use of saccharin as a food, drug, and cosmetic; to require certain labels and notices for foods containing saccharin; and for other purposes.

Nov. 23, 1977
[S. 1750]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. This Act may be cited as the "Saccharin Study and Labeling Act".

Saccharin Study
and Labeling Act.
21 USC 301 note.
Study.
21 USC 343 note.

SEC. 2. (a) (1) The Secretary of Health, Education, and Welfare (hereinafter in this Act referred to as the "Secretary") shall arrange, in accordance with subsection (b), for the conduct of a study, based on available information, of—

(A) current technical capabilities to predict the direct or secondary carcinogenicity or other toxicity in humans of substances which are added to, become a part of, or naturally occur in, food and which have been found to cause cancer in animals;

(B) the direct and indirect health benefits and risks to individuals from foods which contain carcinogenic or other toxic substances;

(C) the existing means of evaluating the risks to health from the carcinogenicity or other toxicity of such substances, the existing means of evaluating the health benefits of foods containing such substances, and the existing statutory authority for, and appropriateness of, weighing such risks against such benefits;

(D) instances in which requirements to restrict or prohibit the use of such substances do not accord with the relationship between such risks and benefits; and

(E) the relationship between existing Federal food regulatory policy and existing Federal regulatory policy applicable to carcinogenic and other toxic substances used as other than foods.

(2) The Secretary shall arrange, in accordance with subsection (b), for the conduct of a study to determine, to the extent feasible—

(A) the chemical identity of any impurities contained in commercially used saccharin,

(B) the toxicity or potential toxicity of any such impurities, including their carcinogenicity or potential carcinogenicity in humans, and

(C) the health benefits, if any, to humans resulting from the use of nonnutritive sweeteners in general and saccharin in particular.

(b) (1) The Secretary shall first request the National Academy of Sciences (hereinafter in this section referred to as the "Academy"), acting through appropriate units, to conduct the studies, required by subsection (a), under an arrangement whereby the actual expenses incurred by the Academy directly related to the conduct of such studies will be paid by the Secretary. If the Academy agrees to such request, the Secretary shall enter into such an agreement with the Academy.

National
Academy of
Sciences, conduct
of studies.

Agreement.

(2) If the Academy declines the Secretary's request to conduct any such study under such an arrangement, then the Secretary shall enter into a similar arrangement with another appropriate public or non-profit private entity to conduct such study.

(3) Any arrangement entered into under paragraph (1) or (2) of this subsection for the conduct of a study shall require that such study be completed and reports thereon be submitted within such period as the Secretary may require to meet the requirements of subsection (c).

Reports to
congressional
committees.

(c) (1) Within 12 months of the date of the enactment of this Act the Secretary shall report to the Committee on Human Resources of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives (A) the results of the study conducted pursuant to subsection (a) (2) (including supporting data and other materials provided by the entity which conducted the study), and (B) any action proposed to be taken on the basis of the results of the study.

(2) Within 15 months of the date of the enactment of this Act the Secretary shall report to the Committee on Human Resources of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives (A) the results of the studies (including supporting data and other materials provided by the entity which conducted the study) conducted pursuant to subsection (a) (1), (B) the recommendations, if any, of such entity for legislative and administrative action, and (C) such recommendations for legislative action as the Secretary deems necessary.

"Saccharin."

(d) For purposes of this section and section 3, the term "saccharin" includes calcium saccharin, sodium saccharin, and ammonium saccharin.

21 USC 348 note.

SEC. 3. During the 18-month period beginning on the date of the enactment of this Act, the Secretary—

(1) may not amend or revoke the interim food additive regulation of the Food and Drug Administration of the Department of Health, Education, and Welfare applicable to saccharin and published on March 15, 1977 (section 180.37 of part 180, subchapter B, chapter 1, title 21, Code of Federal Regulations (42 Fed. Reg. 14638)), or

21 USC 301.

(2) may, except as provided in section 4 and the amendments made by such section, not take any other action under the Federal Food, Drug, and Cosmetic Act to prohibit or restrict the sale or distribution of saccharin, any food permitted by such interim food additive regulation to contain saccharin, or any drug or cosmetic containing saccharin,

solely on the basis of the carcinogenic or other toxic effect of saccharin as determined by any study made available to the Secretary before the date of the enactment of this Act which involved human studies or animal testing, or both.

Labeling.

21 USC 343.

SEC. 4. (a) (1) Section 403 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new paragraph:

"(o) (1) If it contains saccharin, unless, except as provided in subparagraph (2), its label and labeling bear the following statement: 'USE OF THIS PRODUCT MAY BE HAZARDOUS TO YOUR HEALTH. THIS PRODUCT CONTAINS SACCHARIN WHICH HAS BEEN DETERMINED TO CAUSE CANCER IN LABORATORY ANIMALS'. Such statement shall be located in a conspicuous place on such label and labeling as proximate as possible to the name of such food and shall appear in conspicuous and legible type in con-

trast by typography, layout, and color with other printed matter on such label and labeling.

“(2) The Secretary may by regulation review and revise or remove the requirement of subparagraph (1) if the Secretary determines such action is necessary to reflect the current state of knowledge concerning saccharin.”

Regulation.

(2) The amendment made by paragraph (1) shall apply only with respect to food introduced or delivered for introduction in interstate commerce on and after the 90th day after the date of the enactment of this Act.

Effective date.
21 USC 343 note.

(3) The Secretary shall report to the Committee on Human Resources of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives any action taken under section 403(o)(2) of the Federal Food, Drug, and Cosmetic Act.

Report to congressional committees.
21 USC 343 note.
Supra.

(b)(1) Section 403 of the Federal Food, Drug, and Cosmetic Act is amended by adding after paragraph (o) the following new paragraph:

Retail establishments, notice, display.
21 USC 343.

“(p)(1) If it contains saccharin and is offered for sale, but not for immediate consumption, at a retail establishment, unless such retail establishment displays prominently, where such food is held for sale, notice (provided by the manufacturer of such food pursuant to subparagraph (2)) for consumers respecting the information required by paragraph (o) to be on food labels and labeling.

“(2) Each manufacturer of food which contains saccharin and which is offered for sale by retail establishments but not for immediate consumption shall, in accordance with regulations promulgated by the Secretary pursuant to subparagraph (4), take such action as may be necessary to provide such retail establishments with the notice required by subparagraph (1).

“(3) The Secretary may by regulation review and revise or remove the requirement of subparagraph (1) if he determines such action is necessary to reflect the current state of knowledge concerning saccharin.

Notice requirement, review, revision or removal.

“(4) The Secretary shall by regulation prescribe the form, text, and manner of display of the notice required by subparagraph (1) and such other matters as may be required for the implementation of the requirements of that subparagraph and subparagraph (2). Regulations of the Secretary under this subparagraph shall be promulgated after an oral hearing but without regard to the National Environmental Policy Act of 1969 and chapter 5 of title 5, United States Code. In any action brought for judicial review of any such regulation, the reviewing court may not postpone the effective date of such regulation.”

Hearing.

42 USC 4321 note.
5 USC 500 *et seq.*
Judicial review.

(2) The amendment made by paragraph (1) shall apply with respect to food which is sold in retail establishments on or after the 90th day after the effective date of the regulations of the Secretary of Health, Education, and Welfare under paragraph (p)(4) of the Federal Food, Drug, and Cosmetic Act.

Effective date.
21 USC 343 note.

(3) Section 201 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following:

Supra.
“Saccharin.”
21 USC 321.

“(z) The term ‘saccharin’ includes calcium saccharin, sodium saccharin, and ammonium saccharin.”

(c) The Secretary may by regulation require vending machines through which food containing saccharin is sold to bear a statement of the risks to health which may be presented by the use of saccharin. A regulation under this subsection shall require such statement to be located in a conspicuous place on such vending machine and as proxi-

Vending machines, health risk statement, requirements.
21 USC 343a.

21 USC 301.

Information,
availability and
distribution.

mate as possible to the name of each food containing saccharin which is sold through such machine. Any food containing saccharin which is sold in a vending machine which does not meet any applicable requirement promulgated under this subsection shall, for purposes of the Federal Food, Drug, and Cosmetic Act, be considered a misbranded food.

(d) The Secretary shall (1) prepare information respecting the nature of the controversy surrounding the use of food containing saccharin, and (2) provide for the distribution of such information for display by retail establishments where such food is sold but not for immediate consumption. The Secretary may review and revise such information if he determines such action is necessary to reflect the current state of knowledge concerning the risks to health presented by the use of saccharin.

42 USC 289l-1
note.

42 USC 218 note.

SEC. 5. (a) Section 204(d) of the National Research Act (Public Law 93-348) is amended by striking out "36-month period" each place it appears and inserting in lieu thereof "42-month period".

(b) Section 211(b) of such Act is amended by striking out "January 1, 1978" and inserting in lieu thereof "November 1, 1978".

Approved November 23, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-658 accompanying H.R. 8518 (Comm. on Interstate and Foreign Commerce) and No. 95-810 (Comm. of Conference).

SENATE REPORTS: No. 95-353 (Comm. on Human Resources) and No. 95-369 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Sept. 14, 15, considered and passed Senate.

Oct. 17, considered and passed House, amended, in lieu of H.R. 8518.

Nov. 3, House agreed to conference report.

Nov. 4, Senate agreed to conference report.

**TITLE III—MISCELLANEOUS AND EFFECTIVE DATE
PROVISIONS**

SEC. 301. Section 322(b) of title 38, United States Code, is amended by striking out “\$74” and inserting in lieu thereof “\$79”.

SEC. 302. The provisions of this Act shall take effect January 1, 1978. Effective date.
38 USC 322 note.

Approved December 2, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-411 (Comm. on Veterans' Affairs).

SENATE REPORT No. 95-374 (Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

July 12, considered and passed House.

Aug. 3, considered and passed Senate, amended.

Sept. 21, House concurred in Senate amendment with an amendment; Senate disagreed to House amendment.

Nov. 3, House receded from its amendment and concurred in Senate amendment with amendments; Senate agreed to House amendments.

Public Law 95-205
95th Congress

Joint Resolution

Dec. 9, 1977

[H.J. Res. 662]

Making further continuing appropriations for the fiscal year 1978, and for other purposes.

Continuing
appropriations,
1978.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1978, namely:

District of
Columbia.

SEC. 101. Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1977, and for which appropriations, funds, or other authority would be available in the District of Columbia Appropriations Act, 1978 (H.R. 9005) as passed the House of Representatives or the Senate, but at a rate of operations not in excess of the current rate: *Provided*, That the Advisory Neighborhood Commissions shall be continued at an annual rate of not to exceed \$500,000: *Provided further*, That the rate of operations for the Disaster Loan Fund of the Small Business Administration contained in said Act shall be the rate as passed the Senate.

Departments of
Labor, and
Health,
Education, and
Welfare.

Such amounts as may be necessary for projects or activities provided for in the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1978 (H.R. 7555), at a rate of operations, and to the extent and in the manner, provided for in such Act, notwithstanding the provisions of Sec. 106 of this joint resolution: *Provided*, That none of the funds provided for in this paragraph shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians.

Abortions.

Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

Regulations.

The Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced.

Funds,
availability.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from December 1, 1977, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) September 30, 1978, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in 31 U.S.C. 665(d)(2), but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1977.

SEC. 107. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

Approved December 9, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-824 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Dec. 6, considered and passed House; considered and passed Senate, amended.

Dec. 7, House concurred in Senate amendment No. 1, concurred in Senate amendment No. 2 with an amendment. Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 50:

Dec. 9, Presidential statement.

Public Law 95-206
95th Congress

An Act

Dec. 12, 1977
[H.R. 1904]

To suspend until July 1, 1980, the duty on intravenous fat emulsion, and for other purposes.

Intravenous fat emulsion, duty suspension; Jack R. Misner, relief.
19 USC 1202 app.

Effective date.
19 USC 1202 app. note.
19 USC 1202 app.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately before item 907.80 the following new item:

“ 907.75	Intravenous fat emulsion (provided for in item 440.00, part 3C, schedule 4).....	Free	Free	On or before 6/30/80	”.
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(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

SEC. 2. (a) Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately before item 907.60 the following new items:

“ 907.10	Cyclic organic chemical products in any physical form having a benzenoid, quinoid, or modified benzenoid structure (provided for in item 403.60, part 1B, schedule 4) to be used in the manufacture of photographic color couplers.....	Free	No change	On or before 6/30/80	”.
“ 907.12	Photographic color couplers (provided for in item 405.20, part 1C, schedule 4).....	Free	No change	On or before 6/30/80	

Effective date.
19 USC 1202 app. note.

Musical instruments, liquidations or reliquidations.

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

SEC. 3. (a)(1) Notwithstanding the provisions of section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the entries listed in paragraph (2) covering certain musical instruments, shall be liquidated or reliquidated and, if appropriate, refund of duties made. Notwithstanding the provisions of General Headnote 3(e) of the Tariff Schedules of the United States (19 U.S.C. 1202) or any other provision of law, for purposes of the liquidations or reliquidations authorized by this subsection, such entries shall be appraised at invoice unit prices net, packed, and shall be subject to duty at the applicable rates set forth in column 1 of such schedules.

Public Law 95-207
95th Congress

An Act

Dec. 13, 1977
[H.R. 7]

To authorize a career education program for elementary and secondary schools, and for other purposes.

Career Education
Incentive Act.
20 USC 2601
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Career Education Incentive Act".

DECLARATIONS

20 USC 2601.

SEC. 2. The Congress declares that—

(1) a major purpose of education is to prepare every individual for a career suitable to that individual's preference,

(2) career education should be an integral part of the Nation's educational process which serves as preparation for work,

(3) career education holds promise of improving the quality of education and opening career opportunities for all students by relating education to their life aspirations, and

(4) educational agencies and institutions (including agencies and institutions of elementary and secondary education, higher education, adult education, employment training and retraining, and vocational education) should make every effort to fulfill that purpose.

PURPOSE

20 USC 2602.

SEC. 3. In recognition of the prime importance of work in our society and in recognition of the role that the schools play in the lives of all Americans, it is the purpose of this Act to assist States and local educational agencies and institutions of postsecondary education, including collaborative arrangements with the appropriate agencies and organizations, in making education as preparation for work, and as a means of relating work values to other life roles and choices (such as family life), a major goal of all who teach and all who learn by increasing the emphasis they place on career awareness, exploration, decisionmaking, and planning, and to do so in a manner which will promote equal opportunity in making career choices through the elimination of bias and stereotyping in such activities, including bias and stereotyping on account of race, sex, age, economic status, or handicap.

AUTHORIZATION OF APPROPRIATIONS

20 USC 2603.

SEC. 4. (a) Subject to the provisions of subsections (b) and (c), there are authorized to be appropriated \$50,000,000 for fiscal year 1979, \$100,000,000 for fiscal year 1980, \$100,000,000 for fiscal year 1981, \$50,000,000 for fiscal year 1982, and \$25,000,000 for fiscal year 1983 to carry out the provisions of this Act, other than section 11 of this Act.

(b) No funds are authorized to be appropriated pursuant to subsection (a) for any fiscal year beginning after September 30, 1979, unless an appropriation was made for the immediately preceding fiscal year.

(c) No funds are authorized to be appropriated pursuant to subsection (a) for any fiscal year beginning after September 30, 1979,

unless such funds are appropriated in the fiscal year prior to the fiscal year in which such funds will be obligated, and unless such funds are made available for expenditure to the States prior to the beginning of such fiscal year.

ALLOTMENTS

SEC. 5. (a) (1) From the funds appropriated pursuant to section 4 for each fiscal year which are not reserved under paragraph (2) of this subsection, the Commissioner shall allot to each State an amount which bears the same ratio to such funds as such State's population aged five to eighteen, inclusive, bears to the total population, aged five to eighteen, inclusive, of all the States, except that no State shall be allotted from such funds for each fiscal year an amount less than \$125,000.

State allotments,
minimum.
20 USC 2604.

(2) From the remainder of the funds appropriated pursuant to section 4 for each fiscal year, the Commissioner may reserve—

Reserves.

(A) an amount not to exceed 5 per centum each year for the administration of this Act and for making model program grants pursuant to section 10,

(B) an amount not to exceed 1 per centum each year for the purpose of carrying out the information program pursuant to section 12 of this Act,

(C) an amount not to exceed one-half of one per centum each year for the purpose of carrying out a national evaluation of the effectiveness of programs assisted under this Act in carrying out the purposes of this Act, and

(D) an amount equal to 1 per centum for the purpose of making payments to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands in furtherance of the purposes of this Act.

(b) (1) Any funds allotted to a State under paragraph (1) of subsection (a) for which a State has not applied or for which a State application has not been approved shall be reallocated by ratably increasing the allocations of each of the States which have approved applications.

Reallotment.

(2) If the sums appropriated for any fiscal year are not sufficient to make the allotments of the minimum amounts specified in paragraph (1) of subsection (a), such minimum amounts shall be ratably reduced. If additional sums become available during a fiscal year for which such allotments were reduced, such allotments shall be increased on the same basis as they were reduced.

(c) Notwithstanding any other provision of this Act, any State which receives, in any fiscal year, the minimum allotment prescribed under paragraph (1) of subsection (a) of this section does not have to comply with the provisions of section 6(6) relating to staff employed at the State level.

APPLICATIONS

SEC. 6. Every State desiring to receive funds appropriated under section 4 for fiscal year 1979 shall submit to the Commissioner an application containing assurances that—

Contents.
20 USC 2605.

(1) the State educational agency will be the agency responsible for planning the use, and administering the expenditure, of funds received under this Act, other than funds made available under sections 10, 11, and 12;

(2) the State legislature and the Governor have been notified of the State's application for such funds;

(3) (A) the State will expend, from its own sources, for any fiscal year for which funds are received under this Act, an amount equal to or exceeding the amount which such State expended for career education during the fiscal year preceding the fiscal year for which the determination is made;

Non-Federal
share costs,
payment.

(B) the State will pay from non-Federal sources the non-Federal share of the costs of carrying out the State plan for fiscal year 1980 and for each of the three succeeding fiscal years;

(4) the State will make every possible effort to integrate career education into the regular education programs offered in elementary and secondary schools in the State;

(5) (A) the State educational agency will require that programs of career education assisted under this Act will be administered by State and local educational agencies in such a manner as to affect all instructional programs in elementary and secondary education, and will not be administered solely as a part of the vocational education program;

(B) the State educational agency will require that programs of career education will be coordinated by an individual having prior experience in the field of career education (who shall be designated as a State coordinator of career education);

(6) such agency will employ such staff as are necessary to provide for the administration of this Act and programs of career education funded under this Act, including a person or persons experienced with respect to problems of discrimination in the labor market and stereotyping affecting career education, including bias and stereotyping on account of race, sex, age, economic status, or handicap, and including at least one professional trained in guidance and counseling who shall work jointly in the office of the principal staff person responsible for such administration and coordination and in the office of the State educational agency responsible for guidance and counseling, if any such office exists;

Review.

(7) such agency will continuously review the plan submitted under section 7 and will submit such amendments thereto as may be deemed appropriate in response to such agency's experience with the program;

(8) the State educational agency will comply with the provisions of section 9(b) with respect to the distribution of funds to local educational agencies within the State;

(9) the State educational agency will not allocate payments under this Act among local educational agencies within the State on the basis of per capita enrollment or through matching of local expenditures on a uniform percentage basis, or deny funds to any local educational agency if the applicable jurisdiction in which such agency is located is making a reasonable tax effort solely because such agency is unable to pay the non-Federal share of the costs of programs assisted under this Act;

(10) not less than 15 per centum of that portion of a State's grant for any fiscal year which is not reserved pursuant to section 9(b) will be used for programs described in section 8(a) (3) (B); and

(11) the funds received under this Act will be used in accordance with the provisions of section 8.

ula to the concept of career education by institutions of higher education located in the State;

(3) making payments to local educational agencies for comprehensive programs including—

(A) instilling career education concepts and approaches in the classroom;

(B) developing and implementing comprehensive career guidance, counseling, placement, and followup services utilizing counselors, teachers, parents, and community resource personnel;

(C) developing and implementing collaborative relationships with organizations representing the handicapped, minority groups, and women and with all other elements of the community, including the use of personnel from such organizations and the community as resource persons in schools and for student field trips into that community;

(D) developing and implementing work experiences for students whose primary purpose is career exploration, if such work experiences are related to existing or potential career opportunities and do not displace other workers who perform such work;

(E) employing coordinators of career education in local educational agencies or in combinations of such agencies (but not the individual school building level);

(F) training of local career education coordinators;

(G) providing inservice education for educational personnel, especially teachers, counselors, and school administrators, designed to help such personnel to understand career education, to acquire competencies in the field of career education and to acquaint such personnel with the changing work patterns of men and women, ways of overcoming sex stereotyping in career education, and ways of assisting women and men to broaden their career horizons;

(H) conducting institutes for members of boards of local educational agencies, community leaders, and parents concerning the nature and goals of career education;

(I) purchasing instructional materials and supplies for career education activities;

(J) establishing and operating community career education councils;

(K) establishing and operating career education resource centers serving both students and the general public;

(L) adopting, reviewing, and revising local plans for coordinating the implementation of the comprehensive program; and

(M) conducting needs assessments and evaluations; and

(4) reviewing and revising the State plan.

(b) The State shall make payments to local educational agencies for the purposes described in paragraph (3) of subsection (a) from funds received under this Act upon applications approved by the State educational agency. Such payments shall, to the extent practicable, be made on an equitable basis in accordance with criteria established by the State educational agency, consistent with section 6(9), having due regard for the special needs of local educational agencies

serving areas of high incidence and prevalence of youth and adult unemployment, serving sparsely populated areas or serving relatively few students.

(c)(1) To the extent consistent with the number of children enrolled in private nonprofit elementary and secondary schools within the State, with respect to services described under paragraph (2) of subsection (a), and within the school district, with respect to payments made to a local educational agency for the purposes described in paragraph (3) of such subsection, after consultation with appropriate private school officials, provision shall be made for the effective participation on an equitable basis of such children and the teachers of such children in such services and in programs assisted with such payments.

Private nonprofit elementary and secondary schools, participation.

(2)(A) The control of funds provided under this Act and title to materials and equipment therewith shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer such funds and property.

Funds, control.

(B) The provisions of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which in the provision of such services is independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this Act to accommodate students and teachers in nonprofit public schools shall not be commingled with State or local funds.

Contracts for services.

PAYMENTS

Sec. 9. (a)(1) The Commissioner, upon receipt of an application of assurances for fiscal year 1979 which the Commissioner finds to be in compliance with section 6, and upon finding the State to be in compliance with sections 7 and 8 for fiscal years 1980 and 1981, shall pay to the State the amount which it is entitled to receive for each such year under this Act.

20 USC 2608.

(2) The Commissioner, upon finding the State to be in compliance with sections 7 and 8 for fiscal years 1982 and 1983 by reviewing the report required to be submitted by the State under section 14 for fiscal years 1980 and 1981, respectively, shall pay to the State the amount which it is entitled to receive for each of the fiscal years 1982 and 1983 under this Act reduced in proportion to the extent to which the Commissioner determines that such State has substantially failed to achieve the objectives for fiscal years 1980 and 1981 set forth in its State plan.

(b) Any State receiving funds appropriated under section 4 of this Act may reserve (1) not more than 10 per centum of such funds for State leadership purposes described in paragraph (2) of section 8(a), and (2) not more than 10 per centum of such funds appropriated for the fiscal year 1979, and not more than 5 per centum of the funds appropriated for succeeding fiscal years, for the purposes described in paragraphs (1) and (4) of section 8(a). The remainder of such funds shall be distributed by the State to local educational agencies within that State for the purposes described in paragraph (3) of section 8(a).

(c)(1) For the purposes of paying the cost of employing State

career education coordinators and staff described in paragraph (1) of section 8(a), the Federal share of the payments made under this Act from a State's allotment shall be not more than 100 per centum for the fiscal year 1979, not more than 75 per centum for the fiscal year 1980 and not more than 50 per centum for the fiscal years 1981, 1982, and 1983.

(2) For the purposes described in paragraphs (2) and (3) of section 8(a), the Federal share of the payments made under this Act from a State's allotment shall be not more than 100 per centum for the fiscal years 1979 and 1980, not more than 75 per centum for the fiscal year 1981, not more than 50 per centum for the fiscal year 1982, and not more than 25 per centum for the fiscal year 1983.

Waiver.

(d) (1) If a State is prohibited by law from providing for the participation in programs of children enrolled in private nonprofit elementary and secondary schools, as required by section 8(c), the Commissioner may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of that section.

Waiver.

(2) If the Commissioner determines that a State or a local educational agency has substantially failed to provide for the participation on an equitable basis of children enrolled in private nonprofit elementary and secondary schools as required by section 8(c), the Commissioner may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of that section.

MODEL PROGRAMS

Grants.
20 USC 2609.

SEC. 10. (a) From funds reserved under section 5(a) (2) (A) of this Act, the Commissioner is authorized to make grants directly to State and local educational agencies, institutions of postsecondary education, and other nonprofit agencies and organizations to support projects, including projects of proven effectiveness, to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models particularly projects designed to eliminate bias and stereotyping on account of race, sex, age, economic status, or handicap.

20 USC 1865.

(b) Notwithstanding any other provision of law, no funds may be made available under the provisions of section 406(f) (1) of the Education Amendments of 1974 for grants or contracts with local educational agencies for any fiscal year in which funds are appropriated under this Act and reserved for the purposes of this section under section 5(a) (2) (A).

POSTSECONDARY EDUCATIONAL DEMONSTRATION PROJECTS

20 USC 2610.

SEC. 11. (a) The Commissioner is authorized to arrange by way of grant, contract, or other arrangement with institutions of higher education, public agencies and nonprofit private organizations for the conduct of postsecondary educational career demonstration projects which—

(1) may have national significance or be of special value in promoting the field of career education in postsecondary educational programs,

- (2) have unusual promise of promoting postsecondary career guidance and counseling programs, particularly postsecondary guidance and counseling programs designed to overcome bias and stereotyping on account of race, sex, age, economic status, or handicap, or
- (3) show promise of strengthening career guidance, counseling, placement, and followup services.
- (b) The Commissioner shall approve arrangements under subsection (a) of this section if he finds—
- (1) that the funds for which assistance is sought will be used for one of the purposes set forth in subsection (a) of this section, and
- (2) that effective procedures, including objective measurements, will be adopted for evaluating at least annually the effectiveness of the project.
- (c) For the purpose of carrying out the provisions of this section there is authorized to be appropriated \$15,000,000 for the fiscal year 1979 and for each fiscal year ending prior to October 1, 1983.
- (d) Notwithstanding any other provision of law, no funds may be made available under the provisions of section 406(f)(1) of the Education Amendments of 1974 for grants or contracts with institutions of higher education for any fiscal year in which funds are appropriated pursuant to subsection (c) of this section.

Approval.

Appropriation
authorization.

20 USC 1865.

CAREER EDUCATION INFORMATION

- SEC. 12. (a) In consultation with members of the National Occupational Information Coordinating Committee, the Commissioner shall examine the occupational information needs of individuals and organizations eligible for participation in programs assisted by this Act. The examination shall consider the present activities of the National Occupational Information Coordinating Committee, the State Occupational Information Coordinating Committees, and other occupational information activities of the Office of Education, the National Institute of Education, the Bureau of Labor Statistics, the Employment and Training Administration, and such other Federal agencies as the Commissioner deems appropriate. Upon the conclusion of the examination, the Commissioner shall, either directly or by way of grant, contract or other arrangement, furnish information to interested parties on Federal programs which gather, analyze and disseminate occupational and career information.
- (b) The Commissioner shall, either directly or by way of grant, contract or other arrangement, disseminate information to interested parties on exemplary career education programs, including but not limited to programs assisted under this Act.

Examination.
20 USC 2611.

Dissemination.

ADMINISTRATION

- SEC. 13. (a) (1) The Office of Career Education created pursuant to section 406 of the Education Amendments of 1974 shall be the administering agency within the Office of Education for the review of the State plans, applications, and reports submitted pursuant to this Act. In addition, the Office of Career Education shall perform a national leadership role in furthering the purposes of this Act.

20 USC 2612.

Technical
assistance.

(2) The Office of Career Education shall, upon request, provide technical assistance to all participating State educational agencies and to Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

Infra.

(b) The National Advisory Council on Career Education created pursuant to section 406 of the Education Amendments of 1974 shall perform the same functions with respect to the programs authorized under this Act as the Council is authorized to perform with respect to the programs authorized under that section.

Cooperation
between the
Office of
Education and
Institute.

(c) Nothing in this Act shall be construed to prohibit the National Institute of Education from continuing to carry out its functions in the field of career education. The Assistant Secretary of Health, Education, and Welfare for Education shall assure such cooperation as the Assistant Secretary deems appropriate between the Office of Education and the Institute to identify research and development priorities and, either directly or through arrangements with public agencies and private organizations (including institutions of higher education), to disseminate the results of the research and development undertaken by the Institute.

Staff and
resources.

(d) The Office of Education shall provide the Office of Career Education and the National Advisory Council on Career Education with sufficient staff and resources required to carry out their responsibilities under this Act and under section 406 of the Education Amendments of 1974.

20 USC 1865.

(e) Section 406(g)(1)(B) of the Education Amendments of 1974 is amended to read as follows:

“(B) not less than fifteen public members broadly representative of the fields of education, guidance, and counseling, the arts, the humanities, the sciences, community services, business and industry, and the general public, including (i) members of organizations of handicapped persons, minority groups knowledgeable with respect to discrimination in employment and stereotyping affecting career choices, and women who are knowledgeable with respect to sex discrimination and stereotyping, and (ii) not less than two members who shall be representative of labor and of business, respectively.”.

REPORTS

20 USC 2613.

SEC. 14. (a) Unless the Commissioner finds the requirements of this subsection unnecessary, not later than December 31 of each fiscal year each State receiving funds under this Act shall submit to the Commissioner a report evaluating the programs assisted with funds provided under this Act for the preceding fiscal year. Such report shall include—

Contents.

(1) an analysis of the extent to which the objectives set out in the State plan submitted pursuant to section 6 have been fulfilled during that preceding fiscal year;

(2) a description of the extent to which the State and local educational agencies within the State are using State and local resources to implement these objectives and a description of the extent to which funds received under this Act have been used to achieve these objectives; and

(3) a description of the exemplary programs funded within the State, including an analysis of the reasons for their success, and a description of the programs which were not successful within the State, including an analysis of the reasons for their failure.

(b) The Commissioner, through the Office of Career Education, shall analyze each one of the State reports submitted pursuant to subsection (a) and shall provide to the State no later than three months after the date of such submission an analysis of the report and recommendations for improvement in the operation and administration of programs being provided by the State with funds made available under this Act.

Analysis and
recommendations.

(c) The Commissioner shall conduct a comprehensive review of a random sample of the State programs funded under this Act and shall submit a report on such review to the Committee on Education and Labor of the House of Representatives and the Committee on Human Resources of the Senate by no later than September 30, 1982.

Review; report to
congressional
committees.

DEFINITIONS

SEC. 15. For purposes of this Act the term—

20 USC 2614.

(1) (A) “career education”, for the purposes of this Act, except for paragraphs (2) and (3) of section 8(a), and sections 8(b), 8(c), 9, 10, and 11, means the totality of experiences, which are designed to be free of bias and stereotyping (including bias or stereotyping on account of race, sex, age, economic status, or handicap), through which one learns about, and prepares to engage in, work as part of his or her way of living, and through which he or she relates work values to other life roles and choices (such as family life);

(B) “career education”, for purposes of paragraphs (2) and (3) of section 8(a), and sections 8(b), 8(c), 9, 10, and 11, shall be limited to activities involving career awareness, exploration, decisionmaking, and planning, which activities are free of or are designed to eliminate bias and stereotyping (including bias or stereotyping on account of race, sex, age, economic status, or handicap), and shall not include any activities carried out by such agencies involving specific job skill training;

(2) “Commissioner” means the Commissioner of Education;

(3) “handicapped” means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired persons, or persons with specific learning disabilities who by reason thereof require special education and related services;

(4) “local educational agency” has the meaning given such term by section 801(f) of the Elementary and Secondary Education Act of 1965;

20 USC 881.

(5) “State” means the several States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(6) “State educational agency” has the meaning given such term by section 801(k) of the Elementary and Secondary Education Act of 1965.

AMENDMENT TO THE EDUCATION AMENDMENTS OF 1976

20 USC 2502. SEC. 16. Section 332 of the Education Amendments of 1976 is amended—

(1) in subsection (b) (2), by striking out “3 per centum” and inserting in lieu thereof “1 per centum”, and by striking out “the Commonwealth of Puerto Rico,”; and

(2) in subsection (b) (3) (B), by striking out “and the District of Columbia” and inserting in lieu thereof “, the District of Columbia, and the Commonwealth of Puerto Rico”.

Approved December 13, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-150 (Comm. on Education and Labor) and No. 95-816 (Comm. of Conference).

SENATE REPORTS: No. 95-498 accompanying S. 1328 and 95-513 (both from Comm. on Human Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 5, considered and passed House.

Oct. 20, considered and passed Senate, amended, in lieu of S. 1328.

Nov. 22, Senate agreed to conference report.

Nov. 29, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 51:

Dec. 13, Presidential statement.

Public Law 95-208
95th Congress

An Act

To establish uniform structural requirements for intermodal cargo containers, subject to the jurisdiction of the United States, designed to be transported interchangeably by sea and land carriers, and moving in, or designed to move in, international trade, and for other purposes.

Dec. 13, 1977
[H.R. 8159]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “International Safe Container Act”.

SEC. 2. DEFINITIONS.

As used in this Act—

(a) The term “Secretary” means the Secretary of Transportation.
(b) The term “Convention” means the International Convention for Safe Containers, and the annexes thereto, done at Geneva, Switzerland, December 2, 1972.

(c) The term “container” shall have the same meaning as that term is defined in the Convention.

(d) The term “international transport” means the transportation of a container—

(1) to any place within the jurisdiction of the United States from a place within a foreign country;

(2) by United States carriers between two points both of which are outside of the United States; or

(3) from any place within the jurisdiction of the United States to any place within a foreign country.

(e) The term “United States” includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(f) The term “new container” means a container (other than a container specially designed for air transport) which is used or is designed for use in international transport, the construction of which began on or after September 6, 1977.

(g) The term “existing container” means a container (other than a container specially designed for air transport) which is used or is designed for use in international transport and which is not a new container.

(h) The term “owner” means a person who owns a container, or, if a written lease or bailment provides for the lessee or bailee to exercise the owner’s responsibility for maintaining and examining the container, the lessee or bailee of a container, to the extent such agreement so provides.

(i) The term “safety approval plate” shall have the same meaning as that term is defined in annex I of the Convention.

International
Safe Container
Act.
46 USC 1501
note.
46 USC 1501.

Containers,
approval and
examination.
46 USC 1502.

SEC. 3. DUTIES OF AN OWNER.

(a) Beginning on the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention, for new containers, and beginning on September 6, 1982, for existing containers, the owner of each such container—

(1) who is domiciled and has his principal office in the United States, shall have each such container initially approved in accordance with the procedure established by the Secretary or by the administration of another contracting party to the Convention; and shall, thereafter, have each such container periodically examined, as provided in the Convention, in accordance with the procedure established by the Secretary; and

(2) who is either domiciled or has his principal office in the United States, shall have each such container initially approved in accordance with the procedure established by the Secretary or by the administration of another contracting party to the Convention; and shall, thereafter, have each such container periodically examined, as provided in the Convention, in accordance with the procedure established by the administration of either the country where he is domiciled or has his principal office (so long as such country is a party to the Convention).

Any owner of either a new or existing container who is neither domiciled nor maintains a principal office in the United States, or in any other country which is a party to the Convention, may submit their containers for approval and periodic examination according to the procedure established by the Secretary.

(b) During the period beginning on the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention, and before September 6, 1982, an owner of an existing container may have such container approved according to the procedure established by the Secretary, and have a safety approval plate affixed to it, if such container is found to meet the standards of the Convention.

SEC. 4. DUTIES OF THE SECRETARY.

Enforcement.
46 USC 1503.

(a) On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention, the Secretary shall enforce and carry out the provisions of the Convention, and, unless an earlier date is specifically provided, the provisions of this Act, in the United States.

Regulations.

(b) The Secretary shall, as soon as practicable after the date of enactment of this Act, promulgate, and from time to time, amend, those regulations he deems necessary for such enforcement. Such regulations, among other things, shall—

Containers,
testing and
approval
procedures.
Periodic
examination.

(1) establish procedures for the testing, inspection, and initial approval of existing and new containers and of designs for new containers, including procedures relating to the affixing, invalidating, and removal of safety approval plates for containers;

(2) establish procedures to be followed by owners of containers relating to the periodic examination of containers, as provided in the Convention; and

Data, collection
and
dissemination.

(3) provide a method for developing, collecting, and disseminating data concerning container safety and the international transport of containers.

(c) At any time after the date of enactment of this Act, the Secretary may—

(1) authorize the affixation of a safety approval plate to any container which, after examination, is found not to have a safety approval plate attached to it and which the owner has established meets the standards of the Convention; Safety approval plate, affixation.

(2) delegate and withdraw the delegation of authority to initially approve existing and new containers and designs for new containers, and to authorize the affixing of safety approval plates; and Authority delegation.

(3) establish a schedule of fees to be charged and collected for services performed by the Secretary, or under authority delegated by the Secretary, relating to the testing, inspection, and initial approval of containers and container designs. Fees.

(d) Those delegations made under subsection (c) (2) may be made to any person, including any public or private agency or nonprofit organization. The Secretary before making any delegation under such subsection, shall promulgate regulations relating to— Regulations.

(1) the criteria to be followed in selecting a person, public or private agency, or nonprofit organization as a recipient of delegated functions under such subsection;

(2) the manner in which such recipient shall carry out such delegated functions, including the records such recipient must keep, and a detailed description of the exact functions such recipient may exercise; and

(3) the review that will be carried out by the Secretary to determine that any recipient of delegated functions is performing properly the functions so delegated.

No recipient of authority delegated under such subsection may assess or collect, or attempt to assess or collect, any penalty for violation of any provision of this Act, the Convention, or any order of the Secretary issued under this Act, or issue or attempt to issue any detention or other order. Any records required to be kept by regulations promulgated by the Secretary under this subsection shall be available to the Secretary, for inspection, upon request. The name and address of the recipient, if other than the owner, together with the functions so delegated and the period of designation, shall be published in the Federal Register and otherwise publicized as appropriate.

Records,
availability.
Publication in
Federal Register.

(e) The Secretary shall, to the maximum possible extent, encourage the development and use of intermodal transport, using containers constructed to facilitate economical, safe, and expeditious handling of containerized cargo without intermediate reloading while such cargo is in transport over land, air, and sea areas.

SEC. 5. ENFORCEMENT.

(a) (1) On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention, to ensure compliance with this Act, and with the Convention, the Secretary may— 46 USC 1504.

(A) examine, or require to be examined, new containers, and existing containers which are subject to this Act, in international transport, and test, inspect, and approve designs for new containers and new containers being manufactured; Container examination, testing, and approval.

(B) issue a detention order removing or excluding a container from service until the owner of the container establishes to the Secretary's satisfaction that the container meets the standards of the Convention, if the container is subject to this Act and does Detention order.

not have a valid safety approval plate attached to it, or if there is significant evidence that such a container bearing a safety approval plate is in a condition which creates an obvious risk to safety; and

Noncompliance.

(C) take whatever other appropriate action he deems necessary, including issuance of any necessary orders, to remove the container involved from service, or restrict its use, in those instances where he finds that a container is not in compliance with the provisions of this Act or the Convention but does not present an obvious risk to safety.

Unsafe or invalid container, movement.

The Secretary may permit the movement to another location of a container which he finds to be unsafe or which does not have a valid safety approval plate affixed to it, under whatever restriction he considers necessary and consistent with the intent of the Convention, for repair or other appropriate disposition.

Internationally used container examination, effective date. Examination and approval, payment.

(2) Beginning on September 6, 1982, the Secretary may examine or require to be examined any existing container in international transport.

(b) The owner of the container involved in any action taken by the Secretary under this section with respect to an examination of a container, shall pay for or reimburse the Secretary for expenses arising from such actions, except for the costs of routine examinations of containers or safety approval plates. In addition, the owner of containers submitted to the procedure established by the Secretary for testing, inspection, and initial approval, and the manufacturers who submit designs of containers to the procedures established by the Secretary for testing, inspection, and initial approval shall pay for or reimburse the Secretary for the expenses arising from such testing, inspection or approval. Funds received by the Secretary in reimbursement shall be credited to the appropriations bearing the cost thereof.

(c) A container bearing a safety approval plate authorized by a country which is a party to the Convention shall be presumed to be in a safe condition unless there is significant evidence that the container creates an obvious risk to safety.

Order issuance, notification.

(d) Whenever the Secretary issues a detention or other order under this section, he shall promptly notify, in writing, either the owner of the container subject to such order, his agent, or, when the identity of such owner is not apparent from the container of shipping documents, the custodian. The notification shall reasonably identify the container involved, give the location of the container, and reasonably describe the condition or situation which gave rise to the order. An order issued by the Secretary under this section shall remain in effect until the container is declared by the Secretary, or under regulations promulgated by the Secretary, to be in compliance with the standards of the Convention, or until it is permanently removed from service, whichever first occurs.

(e) If there is reason to believe that a container to which there is affixed a safety approval plate issued by a foreign country was defective at the time of approval, the Secretary shall notify the country which issued the approval of such defect.

SEC. 6. PENALTIES.

46 USC 1505.

(a) On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention, any owner, agent, or custodian who—

(1) has been notified of an order issued by the Secretary under section 5; and

(2) fails to take reasonable and prompt action to prevent or stop a container subject to that order from being moved in violation of that order;

shall be subject to a civil penalty of not more than \$5,000 for each container so moved. Each day the container remains in service while the order is in effect shall be treated as a separate violation.

(b) The Secretary shall assess and collect any penalty incurred under this section, and, in his discretion may remit, mitigate, or compromise any such penalty. No penalty shall be assessed until after the person charged has been given notice and an opportunity for a hearing. In assessing, remitting, mitigating, or compromising a penalty the Secretary shall consider the gravity of the violation, the hazards involved, and the record of the person charged with respect to violations of this Act or of the Convention. Upon failure of any person to pay any penalty assessed against him by the Secretary, the Secretary shall request the Attorney General to begin an action in any district court of the United States to recover the amount of the penalty unpaid.

Assessment,
collection, and
remittance.

Recovery actions.

SEC. 7. EMPLOYEE PROTECTION.

(a) No person shall discharge or in any manner discriminate against an employee because the employee has reported the existence of an unsafe container or reported a violation of this Act to the Secretary or his agents.

46 USC 1506.

(b) An employee who believes that he has been discharged or discriminated against in violation of this section may, within 60 days after the violation occurs, file a complaint alleging discrimination with the Secretary of Labor.

Complaint, filing.

(c) The Secretary of Labor may investigate the complaint and, if he determines that this section has been violated, bring an action in an appropriate United States district court. The district court shall have jurisdiction to restrain violations of subsection (a) of this section and to order appropriate relief, including rehiring and reinstatement of the employee to his former position with back pay.

Investigation.

Jurisdiction.

(d) Within 30 days after the receipt of a complaint filed under this section the Secretary of Labor shall notify the complainant of his intended action regarding the complaint.

Notification to
complainant.

SEC. 8. AMENDMENTS TO THE CONVENTION.

(a) The Secretary of State, with the concurrence of the Secretary, may propose amendments to the Convention or may request a conference for amending the Convention in accordance with article IX of the Convention. An amendment communicated to the United States in accordance with article IX (2) of the Convention may be accepted for the United States by the President, with the advice and consent of the Senate. The President may make a declaration that the United States does not accept an amendment.

46 USC 1507.

(b) The Secretary of State, with the concurrence of the Secretary, may propose amendments to the annexes of the Convention, may propose a conference for amending annexes to the Convention and shall consider and act on amendments to the annexes of the Convention adopted by the Maritime Safety Committee and communicated to the United States in accordance with article X (2) of the Convention. If a proposed amendment is approved by the United States, the amendment shall enter into force in accordance with article X of the Convention. If any proposed amendment is objected to, the Secretary of State shall promptly communicate the objection as provided in article X (3) of the Convention.

Arbitrator,
appointment by
Secretary of
State.

(c) The Secretary of State, with the concurrence of the Secretary, shall appoint an arbitrator when one is required to resolve a dispute within the meaning of article XIII of the Convention.

46 USC 1508.

SEC. 9. AUTHORIZATION OF APPROPRIATION.

Beginning with the fiscal year ending September 30, 1979, and for each fiscal year thereafter, there are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

Approved December 13, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-693, pt. 1 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 95-552 accompanying S. 1597 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Nov. 1, considered and passed House; also S. 1597 considered and passed Senate.

Nov. 4, considered and passed Senate, amended, in lieu of S. 1597.

Nov. 29, House concurred in Senate amendment.

Public Law 95-209
95th Congress

An Act

To authorize appropriations for Nuclear Regulatory Commission for the fiscal year 1978, and for other purposes.

Dec. 13, 1977
[S. 1131]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AUTHORIZATION

SECTION 1. (a) There is authorized to be appropriated to the Nuclear Regulatory Commission (hereafter in this act referred to as the "Commission") to carry out its functions and authorities under the Atomic Energy Act of 1954 (42 U.S.C. 2017) and the Energy Reorganization Act of 1974 (42 U.S.C. 5875) for the fiscal year 1978 to remain available until expended \$297,740,000 to be allocated as follows:

- (1) For "Nuclear Reactor Regulation", not more than \$41,480,000;
- (2) For "Standards Development", not more than \$12,130,000;
- (3) For "Inspection and Enforcement", not more than \$33,050,000;
- (4) For "Nuclear Materials Safety and Safeguards", not more than \$22,090,000;
- (5) For "Nuclear Regulatory Research", \$148,900,000;
- (6) For "Program Technical Support", \$10,180,000; of which an amount not to exceed \$600,000 is authorized for a fellowship program pursuant to section 5 of this Act.
- (7) For "Program Direction and Administration", not more than \$29,910,000.

(b) Of the total amount authorized under section 1(a), the Commissioners may, by majority vote, reallocate among program activities specified in subsection (a) or pursuant to the authority granted in subsection (d) an amount not exceeding \$10,000,000 except that the amount transferred from any of the major program activities specified in subsection (a) shall not exceed 15 per centum of the amount so specified. Prior to any reallocation of an amount in accordance with the provisions of this subsection, where such amount is in excess of \$500,000, the Commission shall inform the appropriate congressional committees. Such reallocation may be made notwithstanding the limitations of subsection (a).

(c) No amount authorized to be appropriated for contracts for research, studies, and technical assistance on domestic safeguard matters under subsection (a) including any amount reallocated under subsection (b) may be used for such contracts and no amount authorized to be appropriated under this subsection may be used by the Office of Nuclear Regulatory Research for such contracts until a statement supporting the need for such research, study, or technical assistance has been prepared and published by the Commission.

(d) No amount authorized to be appropriated for contracts for regulatory research related to advanced reactor safety under this Act may be used for such contracts except as directed by the Commission, following consideration by the Commission of any recommendation that may be made by the ACRS regarding the proposed research.

Nuclear
Regulatory
Commission.
Appropriation
authorization,
1978.

Reallocation.

Safeguard
research contract
statement,
publication.

(e) In the event that the license application is withdrawn or funding for the continuation of the Clinch River Breeder Reactor project is not authorized or appropriated, the total authorization in subsection (a) shall be reduced by \$2,700,000.

(f) In the event that further construction of the facility at Barnwell, South Carolina, for the purpose of providing plutonium to be used as fuel is canceled or deferred, the total authorization in subsection (a) shall be reduced by \$2,100,000.

COMMISSION PERSONNEL

Quarterly report
to Congress.
42 USC 5841.

SEC. 2. Section 201 of title II of the Energy Reorganization Act of 1974 is amended by adding the following new subsection at the end thereof:

“(h) The Commission shall prepare and submit to the Congress a quarterly report which documents, for grades GS-11 or above:

“(1) the number of minority and women candidates hired, by grade level;

“(2) the number of minority and women employees promoted, by grade level;

“(3) the procedures followed by the Commission in preparing job descriptions, informing potential applicants, and selecting from candidates the persons to be employed in positions at grade GS-11 or above; and

“(4) other steps taken to meet provisions of the Equal Employment Act.

42 USC 2000e.

The first such quarterly report shall be submitted to the Congress not later than January 31, 1978, and subsequent reports shall be submitted prior to the end of one calendar month after the end of each calendar quarter thereafter.”.

UNRESOLVED SAFETY ISSUES

SEC. 3. Title II of the Energy Reorganization Act of 1974, is amended by adding the following new section at the end thereof:

“UNRESOLVED SAFETY ISSUES PLAN

42 USC 5850.

“SEC. 210. The Commission shall develop a plan providing for the specification and analysis of unresolved safety issues relating to nuclear reactors and shall take such action as may be necessary to implement corrective measures with respect to such issues. Such plan shall be submitted to the Congress on or before January 1, 1978 and progress reports shall be included in the annual report of the Commission thereafter.”.

Submittal to
Congress.
Progress reports.

IMPROVED SAFETY SYSTEMS RESEARCH

Long-term plan
development.
42 USC 5845.

SEC. 4. (a) Section 205 of the Energy Reorganization Act of 1974 is amended by adding the following new subsection at the end thereof:

“(f) The Commission shall develop a long-term plan for projects for the development of new or improved safety systems for nuclear powerplants.”.

REACTOR SAFETY RESEARCH STUDY

SEC. 5. Section 29 of the Atomic Energy Act of 1954 is amended by adding the following at the end thereof: "In addition to its other duties under this section, the committee, making use of all available sources, shall undertake a study of reactor safety research and prepare and submit annually to the Congress a report containing the results of such study. The first such report shall be submitted to the Congress not later than December 31, 1977.

Annual report to Congress.
42 USC 2039.

ACRS FELLOWSHIP PROGRAM

SEC. 6. To assist the Advisory Committee on Reactor Safeguards in carrying out its function, the committee shall establish a fellowship program under which persons having appropriate engineering or scientific expertise are assigned particular tasks relating to the functions of the committee. Such fellowship shall be for 2-year periods and the recipients of such fellowships shall be selected pursuant to such criteria as may be established by the committee.

Establishment.
42 USC 2040.

ORGANIZATIONAL CONFLICTS OF INTEREST

SEC. 7. The Commission shall by December 31, 1977, promulgate guidelines to be applied by the Commission in determining whether an organization proposing to enter into a contractual arrangement with the Commission has a conflict of interest which might impair the contractor's judgment or otherwise give the contractor an unfair competitive advantage.

Guidelines.
42 USC 2201
note.

COOPERATIVE RESEARCH FUNDING

SEC. 8. Moneys received by the Commission for the cooperative nuclear safety research programs may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended. Funds may be obligated for purposes stated in this section only to the extent provided in appropriation Acts.

Salaries and expenses.

TRANSFER OF FUNDS

SEC. 9. Transfers of sums from salaries and expenses may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriations to which transferred.

APPROPRIATIONS

SEC. 10. Notwithstanding any other provision of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

Approved December 13, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS No. 95-289 accompanying H.R. 3455 (Comm. on Interior and Insular Affairs) and No. 95-788 (Comm. of Conference).

SENATE REPORT No. 95-196 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 25, considered and passed Senate.

Sept. 12, considered and passed House, amended, in lieu of H.R. 3455.

Nov. 3, House agreed to conference report.

Nov. 29, Senate agreed to conference report.

Public Law 95-210
95th Congress

An Act

To amend titles XVIII and XIX of the Social Security Act to provide payment for rural health clinic services, and for other purposes.

Dec. 13, 1977
[H.R. 8422]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Social Security
Act,
amendment.

MEDICARE AMENDMENTS

SECTION 1. (a) Section 1832(a) of the Social Security Act is amended— 42 USC 1395k.

(1) by striking out “paragraph (2) (B)” in paragraph (1) and inserting in lieu thereof “subparagraphs (B) and (D) of paragraph (2)”; and

(2) by striking out the period at the end of paragraph (2) (C) and inserting in lieu thereof “; and” and by adding the following new subparagraph at the end of paragraph (2):

“(D) rural health clinic services.”

(b) Section 1833(a) of such Act is amended—

42 USC 1395l.

(1) by striking out “and” at the end of paragraph (1);

(2) by inserting “(except those services described in subparagraph (D) of section 1832(a)(2))” in paragraph (2) after “1832(a)(2)”; and

Supra.

(3) by striking out the period at the end of paragraph (2) and inserting in lieu thereof “, and”; and

(4) by inserting the following new paragraph after paragraph (2):

“(3) in the case of services described in section 1832(a)(2)(D), 80 percent of costs which are reasonable and related to the cost of furnishing such services or on such other tests of reasonableness as the Secretary may prescribe in regulations, including those authorized under section 1861(v)(1)(A).”

42 USC 1395x.

(c) The Secretary of Health, Education, and Welfare (hereinafter in this Act referred to as the “Secretary”) shall conduct a study of the feasibility and desirability of imposing a copayment for each visit to a rural health clinic for rural health clinic services under part B of title XVIII of the Social Security Act, instead of the deductible and coinsurance amounts otherwise required under section 1833 of such Act with respect to the provision of such services. The Secretary shall report to the appropriate committees of Congress, not later than one year after the date of enactment of this Act, on such study and on any recommendations he may have for changes in the provisions of part B of title XVIII of the Social Security Act to reflect the findings of such study.

Study.
42 USC 1395l
note.

42 USC 1395j.
Supra.
Report to
congressional
committees.

(d) Section 1861 of such Act is amended by adding at the end thereof the following new subsection:

Definitions.
42 USC 1395x.

“Rural Health Clinic Services

“(aa) (1) The term ‘rural health clinic services’ means—

“(A) physicians’ services and such services and supplies as are covered under section 1861(s)(2)(A) if furnished as an incident to a physician’s professional service,

“(B) such services furnished by a physician assistant or by a nurse practitioner and such services and supplies furnished as an incident to his service as would otherwise be covered if furnished by a physician or as an incident to a physician’s service, and

“(C) in the case of a rural health clinic located in an area in which there exists a shortage of home health agencies, part-time or intermittent nursing care and related medical supplies (other than drugs and biologicals) furnished by a registered professional nurse or licensed practical nurse to a homebound individual under a written plan of treatment (i) established and periodically reviewed by a physician described in paragraph (2) (B), or (ii) established by a nurse practitioner or physician assistant and periodically reviewed and approved by a physician described in paragraph (2) (B),

when furnished to an individual as an outpatient of a rural health clinic.

“(2) The term ‘rural health clinic’ means a facility which—

“(A) is primarily engaged in furnishing to outpatients services described in subparagraphs (A) and (B) of paragraph (1);

“(B) in the case of a facility which is not a physician-directed clinic, has an arrangement (consistent with the provisions of State and local law relative to the practice, performance, and delivery of health services) with one or more physicians (as defined in subsection (r)(1)) under which provision is made for the periodic review by such physicians of covered services furnished by physician assistants and nurse practitioners, the supervision and guidance by such physicians of physician assistants and nurse practitioners, the preparation by such physicians of such medical orders for care and treatment of clinic patients as may be necessary, and the availability of such physicians for such referral of and consultation for patients as is necessary and for advice and assistance in the management of medical emergencies; and, in the case of a physician-directed clinic, has one or more of its staff physicians perform the activities accomplished through such an arrangement;

“(C) maintains clinical records on all patients;

“(D) has arrangements with one or more hospitals, having agreements in effect under section 1866, for the referral and admission of patients requiring inpatient services or such diagnostic or other specialized services as are not available at the clinic;

“(E) has written policies, which are developed with the advice of (and with provision for review of such policies from time to time by) a group of professional personnel, including one or more physicians and one or more physician assistants or nurse practitioners, to govern those services described in paragraph (1) which it furnishes;

“(F) has a physician, physician assistant, or nurse practitioner responsible for the execution of policies described in subparagraph (E) and relating to the provision of the clinic’s services;

“(G) directly provides routine diagnostic services, including clinical laboratory services, as prescribed in regulations by the Secretary, and has prompt access to additional diagnostic services from facilities meeting requirements under this title;

“(H) in compliance with State and Federal law, has available for administering to patients of the clinic at least such drugs and biologicals as are determined by the Secretary to be necessary for the treatment of emergency cases (as defined in regulations) and

has appropriate procedures or arrangements for storing, administering, and dispensing any drugs and biologicals;

“(I) has appropriate procedures for review of utilization of clinic services to the extent that the Secretary determines to be necessary and feasible; and

“(J) meets such other requirements as the Secretary may find necessary in the interest of the health and safety of the individuals who are furnished services by the clinic.

For the purposes of this title, such term includes only a facility which (i) is located in an area that is not an urbanized area (as defined by the Bureau of the Census) and that is designated by the Secretary either (I) as an area with a shortage of personal health services under section 1302(7) of the Public Health Service Act or (II) as a health manpower shortage area described in section 332(a)(1)(A) of that Act because of its shortage of primary medical care manpower, (ii) has filed an agreement with the Secretary by which it agrees not to charge any individual or other person for items or services for which such individual is entitled to have payment made under this title, except for the amount of any deductible or coinsurance amount imposed with respect to such items or services (not in excess of the amount customarily charged for such items and services by such clinic), pursuant to subsections (a) and (b) of section 1833, (iii) employs a physician assistant or nurse practitioner, and (iv) is not a rehabilitation agency or a facility which is primarily for the care and treatment of mental diseases. A facility that is in operation and qualifies as a rural health clinic under this title or title XIX and that subsequently fails to satisfy the requirement of clause (i) shall be considered, for purposes of this title and title XIX, as still satisfying the requirement of such clause.

42 USC 300e-1.
42 USC 254e.

Ante, p. 1485.

42 USC 1396.

“(3) The term ‘physician assistant’ and the term ‘nurse practitioner’ mean, for the purposes of paragraphs (1) and (2), a physician assistant or nurse practitioner who performs such services as such individual is legally authorized to perform (in the State in which the individual performs such services) in accordance with State law (or the State regulatory mechanism provided by State law), and who meets such training, education, and experience requirements (or any combination thereof) as the Secretary may prescribe in regulations.”.

(e) Any private, nonprofit health care clinic that—

42 USC 1395x
note.

(1) on July 1, 1977, was operating and located in an area which on that date (A) was not an urbanized area (as defined by the Bureau of the Census) and (B) had a supply of physicians insufficient to meet the needs of the area (as determined by the Secretary), and

(2) meets the definition of a rural health clinic under section 1861(aa)(2) or section 1905(1) of the Social Security Act, except for clause (i) of section 1861(aa)(2), shall be considered, for the purposes of title XVIII or XIX, respectively, of the Social Security Act, as satisfying the definition of a rural health clinic under such section.

Ante, p. 1485.
Post, p. 1488.
42 USC 1395.

(f) Section 1862(a)(3) of such Act is amended by striking out “in such cases” and inserting in lieu thereof “in the case of rural health clinic services, as defined in section 1861(aa)(1), and in such other cases”.

42 USC 1395y.

Ante, p. 1485.

(g) Section 1861(s)(2) of such Act is amended—

42 USC 1395x.

(1) by striking out “and” at the end of subparagraph (C)(ii);
(2) by inserting “and” at the end of subparagraph (D); and

(3) by adding the following new subparagraph at the end thereof:

“(E) rural health clinic services;”.

42 USC 1395x.

(h) The second sentence of section 1861(s) of such Act is amended by inserting “, a rural health clinic,” after “physician’s office”.

42 USC 1395aa.

(i) Section 1864(a) of such Act is amended—

Ante, p. 1485.

(1) by inserting “or whether a facility therein is a rural health clinic as defined in section 1861(aa) (2),” in the first sentence after “home health agency;”;

(2) by inserting “rural health clinic,” in the second sentence after “nursing facility;”;

(3) by inserting “rural health clinic,” in the last sentence after “facility,” the first and second times it appears; and

(4) by striking out “such facility” in the last sentence and inserting in lieu thereof “such health care facility, rural health clinic”.

Effective date.
42 USC 1395k
note.

(j) The amendments made by this section shall apply to services rendered on or after the first day of the third calendar month which begins after the date of enactment of this Act.

MEDICAID AMENDMENTS

42 USC 1396d.

SEC. 2. (a) Paragraph (2) of section 1905(a) of the Social Security Act is amended to read as follows:

“(2) (A) outpatient hospital services, and (B) consistent with State law permitting such services, rural health clinic services (as defined in subsection (1)) and any other ambulatory services which are offered by a rural health clinic (as defined in subsection (1)) and which are otherwise included in the plan;”.

“Rural health
clinic services”
and “rural health
clinic.”

(b) Section 1905 of such Act is amended by adding after subsection (k) the following new subsection:

“(1) The terms ‘rural health clinic services’ and ‘rural health clinic’ have the meanings given such terms in section 1861(aa), except that (1) clause (ii) of section 1861(aa) (2) shall not apply to such terms, and (2) the physician arrangement required under section 1861(aa) (2) (B) shall only apply with respect to rural health clinic services and, with respect to other ambulatory care services, the physician arrangement required shall be only such as may be required under the State plan for those services.”.

42 USC 1396a.

(c) Section 1902(a) of such Act is amended—

(1) by striking out the semicolon at the end of paragraph (13) and inserting in lieu thereof “; and”, and by adding at the end of such paragraph the following new subparagraph:

“(F) for payment for services described in section 1905(a) (2) (B) provided by a rural health clinic under the plan of 100 percent of costs which are reasonable and related to the cost of furnishing such services or based on such other tests of reasonableness, as the Secretary may prescribe in regulations under section 1833(a) (3), or, in the case of services to which those regulations do not apply, on such tests of reasonableness as the Secretary may prescribe in regulations under this subparagraph;”;

Ante, p. 1485.

(2) by inserting “, or by reason of the fact that the plan provides for payment for rural health clinic services only if those services are provided by a rural health clinic” before the semicolon at the end of paragraph (23).

(d) Section 1910 of such Act is amended—

42 USC 1396i.

(1) by amending the heading to read as follows: "CERTIFICATION AND APPROVAL OF SKILLED NURSING FACILITIES AND OF RURAL HEALTH CLINICS";

(2) by striking out "(a)" and inserting in lieu thereof "(a)(1)";

(3) by striking out "(b)" and inserting in lieu thereof "(2)"; and

(4) by adding at the end thereof the following new subsection: " (b) (1) Whenever the Secretary certifies a facility in a State to be qualified as a rural health clinic under title XVIII, such facility shall be deemed to meet the standards for certification as a rural health clinic for purposes of providing rural health clinic services under this title. 42 USC 1395.

"(2) The Secretary shall notify the State agency administering the medical assistance plan of his approval or disapproval of any facility in that State which has applied for certification by him as a qualified rural health clinic." Approval.

(e) Section 1866(c) (2) of such Act is amended by striking out "section 1910" and inserting in lieu thereof "section 1910(a)". 42 USC 1395cc.

(f) (1) The amendments made by this section shall (except as otherwise provided in paragraph (2)) apply to medical assistance provided, under a State plan approved under title XIX of the Social Security Act, on and after the first day of the first calendar quarter that begins more than six months after the date of enactment of this Act. Effective date. 42 USC 1395cc note.

42 USC 1396.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act.

DEMONSTRATION PROJECTS FOR PHYSICIAN-DIRECTED CLINICS IN URBAN MEDICALLY UNDERSERVED AREAS

SEC. 3. (a) The Secretary shall provide, through demonstration projects, reimbursement on a cost basis for services provided by physician-directed clinics in urban medically underserved areas for which payment may be made under title XVIII of the Social Security Act and, notwithstanding any other provision of such title, for services provided by a physician assistant or nurse practitioner employed by such clinics which would otherwise be covered under such title if provided by a physician. 42 USC 1395b-1 note.

(b) The demonstration projects developed under subsection (a) shall be of sufficient scope and carried out on a broad enough scale to allow the Secretary to evaluate fully— Evaluation.

(1) the relative advantages and disadvantages of reimbursement on the basis of costs and fee-for-service for physician-directed clinics employing a physician assistant or nurse practitioner;

(2) the appropriate method of determining the compensation for physician services on a cost basis for the purposes of reimbursement of services provided in such clinics;

(3) the appropriate definition for such clinics;

- (4) the appropriate criteria to use for the purposes of designating urban medically underserved areas; and
- (5) such other possible changes in the provisions of title XVIII of the Social Security Act as might be appropriate for the efficient and cost-effective reimbursement of services provided in such clinics.
- 42 USC 1395. Expenditures. (c) Grants, payments under contracts, and other expenditures made for demonstration projects under this section shall be made in appropriate part from the Federal Hospital Insurance Trust Fund (established by section 1817 of the Social Security Act) and the Federal Supplementary Medical Insurance Trust Fund (established by section 1841 of the Social Security Act). Grants and payments under contracts may be made either in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made in such installments and on such conditions as the Secretary finds necessary to carry out the purpose of this section. With respect to any such grant, payment, or other expenditure, the amount to be paid from each trust fund shall be determined by the Secretary giving due regard to the purposes of the demonstration projects.
- 42 USC 1395i. Report to Congress. (d) The Secretary shall submit to the Congress, no later than January 1, 1981, a complete, detailed report on the demonstration projects conducted under subsection (b). Such report shall include any recommendations for legislative changes which the Secretary finds necessary or desirable as a result of carrying out such demonstration projects.
- Definitions. (e) As used in this section, the terms "physician assistant" and "nurse practitioner" have the meanings given such terms in section 1861(aa)(3) of the Social Security Act.
- Ante*, p. 1485.

REPORT BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE ON
MENTAL HEALTH AND OTHER CENTERS

42 USC 1395*ll*
note.

SEC. 4. (a) The Secretary shall submit to the Congress, no later than six months after the date of enactment of this Act, a report on the advantages and disadvantages of extending coverage under title XVIII of the Social Security Act to urban or rural comprehensive mental health centers and to centers for treatment of alcoholism and drug abuse.

(b) The report submitted under subsection (a) shall include evaluations of—

- (1) the need for coverage under such title of services provided by such centers;
- (2) the extent of present utilization of such centers by individuals eligible for benefits under such title;
- (3) alternatives to services provided by such centers presently available to individuals eligible for benefits under such title;
- (4) the appropriate definition for such centers;
- (5) the types of treatment provided by such centers;
- (6) present Federal and State funding for such centers;
- (7) the extent of coverage by private insurance plans for services provided by such centers;
- (8) present and projected costs of services provided by such centers;
- (9) available methods for assuring proper utilization of such centers;
- (10) the effect of allowing coverage for services provided by such centers on other providers and practitioners; and

(11) the need for any demonstration projects for further evaluation of the need for coverage for services provided by such centers.

ACCESS TO CERTAIN TAX RETURN INFORMATION BY THE NATIONAL
INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

SEC. 5. Subsection (m) of section 6103 of the Internal Revenue Code of 1954 (relating to disclosure of taxpayer identity information) is amended to read as follows: 26 USC 6103.

“(m) DISCLOSURE OF TAXPAYER IDENTITY INFORMATION.—

“(1) TAX REFUNDS.—The Secretary may disclose taxpayer identity information to the press and other media for purposes of notifying persons entitled to tax refunds when the Secretary, after reasonable effort and lapse of time, has been unable to locate such persons.

“(2) FEDERAL CLAIMS.—Upon written request, the Secretary may disclose the mailing address of a taxpayer to officers and employees of an agency personally and directly engaged in, and solely for their use in, preparation for any administrative or judicial proceeding (or investigation which may result in such a proceeding) pertaining to the collection or compromise of a Federal claim against such taxpayer in accordance with the provisions of section 3 of the Federal Claims Collection Act of 1966. 31 USC 952.

“(3) NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH.—Upon written request, the Secretary may disclose the mailing address of taxpayers to officers and employees of the National Institute for Occupational Safety and Health solely for the purpose of locating individuals who are, or may have been, exposed to occupational hazards in order to determine the status of their health or to inform them of the possible need for medical care and treatment.”.

TRANSFER OF PUBLIC HEALTH SERVICE HOSPITAL IN TEXAS

SEC. 6. If the Secretary acquires the Space Center Memorial Hospital in Nassau Bay, Texas, for the purpose of transferring to it the activities and functions of the Public Health Service hospital in Galveston, Texas, the Secretary may close the Public Health Service hospital in Galveston, Texas.

Approved December 13, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-548, pt. I (Comm. on Ways and Means), No. 95-548, pt. II (Comm. on Interstate and Foreign Commerce), and No. 95-790 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Oct. 17, considered and passed House.

Oct. 19, considered and passed Senate, amended.

Nov. 29, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 51:

Dec. 13, Presidential statement.

Public Law 95-211
95th Congress

An Act

Dec. 19, 1977
[H.R. 3722]

To amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal year 1978.

Securities and
Exchange
Commission.
Appropriation
authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is amended—

(1) in the first sentence thereof, by striking out “and not to exceed” and inserting in lieu thereof a comma;

(2) by inserting immediately before the period at the end of the first sentence thereof the following: “, and \$63,750,000 for the fiscal year ending September 30, 1978”; and

(3) in the last sentence thereof, by striking out “the 1977 fiscal year” and inserting in lieu thereof “fiscal year 1978”.

Approved December 19, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-288 (Comm. on Interstate and Foreign Commerce) and 95-832 (Comm. of Conference).

SENATE REPORT No. 95-182 accompanying S. 1311 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May. 17, considered and passed House.

May. 25, considered and passed Senate, amended, in lieu of S. 1311.

Dec. 6, Senate agreed to conference report.

Dec. 7, House agreed to conference report.

Public Law 95-212
95th Congress

An Act

To authorize appropriations for fiscal years 1978, 1979, and 1980 to carry out State cooperative programs under the Endangered Species Act of 1973.

Dec. 19, 1977
[S. 1316]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535) is amended—

Endangered
Species Act of
1973,
amendment.
Cooperative
agreements.

(1) by striking out the period at the end of subsection (c) and inserting in lieu thereof “; or”, and by adding at the end of such subsection the following:

“that under the State program—

“(A) the requirements set forth in paragraphs (3), (4), and (5) of this subsection are complied with, and

“(B) plans are included under which immediate attention will be given to those resident species of fish and wildlife which are determined by the Secretary or the State agency to be endangered or threatened and which the Secretary and the State agency agree are most urgently in need of conservation programs; except that a cooperative agreement entered into with a State whose program is deemed adequate and active pursuant to subparagraph (A) and this subparagraph shall not affect the applicability of prohibitions set forth in or authorized pursuant to section 4(d) or section 9 (a) (1) with respect to the taking of any resident endangered or threatened species.”; and

16 USC 1533.
16 USC 1538.

(2) by amending subsection (i) to read as follows:

Appropriation
authorization.

“(i) APPROPRIATIONS.—For the purposes of this section, there are authorized to be appropriated not to exceed the following sums:

“(1) \$10,000,000 through the period ending September 30, 1977.

“(2) \$16,000,000 for the period beginning October 1, 1977, and ending September 30, 1981.”

Approved December 19, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-333 accompanying H.R. 6405 (Comm. on Merchant Marine and Fisheries) and No. 95-823 (Comm. of Conference).

SENATE REPORTS: No. 95-186 (Comm. on Environment and Public Works) and No. 95-607 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 25, considered and passed Senate.

Oct. 18, considered and passed House, amended, in lieu of H.R. 6405.

Nov. 29, Senate agreed to conference report.

Nov. 30, House agreed to conference report.

Public Law 95-213
95th Congress

An Act

Dec. 19, 1977

[S. 305]

To amend the Securities Exchange Act of 1934 to make it unlawful for an issuer of securities registered pursuant to section 12 of such Act or an issuer required to file reports pursuant to section 15(d) of such Act to make certain payments to foreign officials and other foreign persons, to require such issuers to maintain accurate records, and for other purposes.

Securities
Exchange Act of
1934,
amendment.
Foreign Corrupt
Practices Act of
1977.

15 USC 78a note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FOREIGN CORRUPT PRACTICES

SHORT TITLE

SEC. 101. This title may be cited as the “Foreign Corrupt Practices Act of 1977”.

ACCOUNTING STANDARDS

Assets,
transactions and
dispositions.
15 USC 78m.

15 USC 78l.
Post, p. 1500.
Records,
maintenance.

Internal
accounting
controls,
establishment.

Exemption
directive,
issuance and
expiration.

SEC. 102. Section 13(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(b)) is amended by inserting “(1)” after “(b)” and by adding at the end thereof the following:

“(2) Every issuer which has a class of securities registered pursuant to section 12 of this title and every issuer which is required to file reports pursuant to section 15(d) of this title shall—

“(A) make and keep books, records, and accounts, which, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets of the issuer; and

“(B) devise and maintain a system of internal accounting controls sufficient to provide reasonable assurances that—

“(i) transactions are executed in accordance with management’s general or specific authorization;

“(ii) transactions are recorded as necessary (I) to permit preparation of financial statements in conformity with generally accepted accounting principles or any other criteria applicable to such statements, and (II) to maintain accountability for assets;

“(iii) access to assets is permitted only in accordance with management’s general or specific authorization; and

“(iv) the recorded accountability for assets is compared with the existing assets at reasonable intervals and appropriate action is taken with respect to any differences.

“(3) (A) With respect to matters concerning the national security of the United States, no duty or liability under paragraph (2) of this subsection shall be imposed upon any person acting in cooperation with the head of any Federal department or agency responsible for such matters if such act in cooperation with such head of a department or agency was done upon the specific, written directive of the head of such department or agency pursuant to Presidential authority to issue such directives. Each directive issued under this paragraph shall set forth the specific facts and circumstances with respect to which the provisions of this paragraph are to be invoked. Each such directive shall, unless renewed in writing, expire one year after the date of issuance.

“(B) Each head of a Federal department or agency of the United States who issues a directive pursuant to this paragraph shall maintain a complete file of all such directives and shall, on October 1 of each year, transmit a summary of matters covered by such directives in force at any time during the previous year to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.”.

File maintenance.
Annual summary,
transmittal to
congressional
committees.

FOREIGN CORRUPT PRACTICES BY ISSUERS

SEC. 103. (a) The Securities Exchange Act of 1934 is amended by inserting after section 30 the following new section:

“FOREIGN CORRUPT PRACTICES BY ISSUERS

“SEC. 30A. (a) It shall be unlawful for any issuer which has a class of securities registered pursuant to section 12 of this title or which is required to file reports under section 15(d) of this title, or for any officer, director, employee, or agent of such issuer or any stockholder thereof acting on behalf of such issuer, to make use of the mails or any means or instrumentality of interstate commerce corruptly in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to—

15 USC 78dd-1.

15 USC 78l.

Post, p. 1500.

“(1) any foreign official for purposes of—

“(A) influencing any act or decision of such foreign official in his official capacity, including a decision to fail to perform his official functions; or

“(B) inducing such foreign official to use his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such issuer in obtaining or retaining business for or with, or directing business to, any person;

“(2) any foreign political party or official thereof or any candidate for foreign political office for purposes of—

“(A) influencing any act or decision of such party, official, or candidate in its or his official capacity, including a decision to fail to perform its or his official functions; or

“(B) inducing such party, official, or candidate to use its or his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such issuer in obtaining or retaining business for or with, or directing business to, any person; or

“(3) any person, while knowing or having reason to know that all or a portion of such money or thing of value will be offered, given, or promised, directly or indirectly, to any foreign official, to any foreign political party or official thereof, or to any candidate for foreign political office, for purposes of—

“(A) influencing any act or decision of such foreign official, political party, party official, or candidate in his or its official capacity, including a decision to fail to perform his or its official functions; or

“(B) inducing such foreign official, political party, party official, or candidate to use his or its influence with a foreign government or instrumentality thereof to affect or influence

"Foreign
official."

Penalties.
Ante, p. 1495.

any act or decision of such government or instrumentality, in order to assist such issuer in obtaining or retaining business for or with, or directing business to, any person.

"(b) As used in this section, the term 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or any person acting in an official capacity for or on behalf of such government or department, agency, or instrumentality. Such term does not include any employee of a foreign government or any department, agency, or instrumentality thereof whose duties are essentially ministerial or clerical."

(b)(1) Section 32(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78ff(a)) is amended by inserting "(other than section 30A)" immediately after "title" the first place it appears.

(2) Section 32 of the Securities Exchange Act of 1934 (15 U.S.C. 78ff) is amended by adding at the end thereof the following new subsection:

"(c)(1) Any issuer which violates section 30A(a) of this title shall, upon conviction, be fined not more than \$1,000,000.

"(2) Any officer or director of an issuer, or any stockholder acting on behalf of such issuer, who willfully violates section 30A(a) of this title shall, upon conviction, be fined not more than \$10,000, or imprisoned not more than five years, or both.

"(3) Whenever an issuer is found to have violated section 30A(a) of this title, any employee or agent of such issuer who is a United States citizen, national, or resident or is otherwise subject to the jurisdiction of the United States (other than an officer, director, or stockholder of such issuer), and who willfully carried out the act or practice constituting such violation shall, upon conviction, be fined not more than \$10,000, or imprisoned not more than five years, or both.

"(4) Whenever a fine is imposed under paragraph (2) or (3) of this subsection upon any officer, director, stockholder, employee, or agent of an issuer, such fine shall not be paid, directly or indirectly, by such issuer."

FOREIGN CORRUPT PRACTICES BY DOMESTIC CONCERNS

15 USC 78dd-2.

SEC. 104. (a) It shall be unlawful for any domestic concern, other than an issuer which is subject to section 30A of the Securities Exchange Act of 1934, or any officer, director, employee, or agent of such domestic concern or any stockholder thereof acting on behalf of such domestic concern, to make use of the mails or any means or instrumentality of interstate commerce corruptly in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to—

(1) any foreign official for purposes of—

(A) influencing any act or decision of such foreign official in his official capacity, including a decision to fail to perform his official functions; or

(B) inducing such foreign official to use his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such domestic concern in obtaining or retaining business for or with, or directing business to, any person;

(2) any foreign political party or official thereof or any candidate for foreign political office for purposes of—

(A) influencing any act or decision of such party, official, or candidate in its or his official capacity, including a decision to fail to perform its or his official functions; or

(B) inducing such party, official, or candidate to use its or his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such domestic concern in obtaining or retaining business for or with, or directing business to, any person; or

(3) any person, while knowing or having reason to know that all or a portion of such money or thing of value will be offered, given, or promised, directly or indirectly, to any foreign official, to any foreign political party or official thereof, or to any candidate for foreign political office, for purposes of—

(A) influencing any act or decision of such foreign official, political party, party official, or candidate in his or its official capacity, including a decision to fail to perform his or its official functions; or

(B) inducing such foreign official, political party, party official, or candidate to use his or its influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such domestic concern in obtaining or retaining business for or with, or directing business to, any person.

(b) (1) (A) Except as provided in subparagraph (B), any domestic concern which violates subsection (a) shall, upon conviction, be fined not more than \$1,000,000. Penalties.

(B) Any individual who is a domestic concern and who willfully violates subsection (a) shall, upon conviction, be fined not more than \$10,000, or imprisoned not more than five years, or both.

(2) Any officer or director of a domestic concern, or stockholder acting on behalf of such domestic concern, who willfully violates subsection (a) shall, upon conviction, be fined not more than \$10,000, or imprisoned not more than five years, or both.

(3) Whenever a domestic concern is found to have violated subsection (a) of this section, any employee or agent of such domestic concern who is a United States citizen, national, or resident or is otherwise subject to the jurisdiction of the United States (other than an officer, director, or stockholder acting on behalf of such domestic concern), and who willfully carried out the act or practice constituting such violation shall, upon conviction, be fined not more than \$10,000, or imprisoned not more than five years, or both.

(4) Whenever a fine is imposed under paragraph (2) or (3) of this subsection upon any officer, director, stockholder, employee, or agent of a domestic concern, such fine shall not be paid, directly or indirectly, by such domestic concern.

(c) Whenever it appears to the Attorney General that any domestic concern, or officer, director, employee, agent, or stockholder thereof, is engaged, or is about to engage, in any act or practice constituting a violation of subsection (a) of this section, the Attorney General may, in his discretion, bring a civil action in an appropriate district court of the United States to enjoin such act or practice, and upon a proper showing a permanent or temporary injunction or a temporary restraining order shall be granted without bond. Civil action.

Definitions.

(d) As used in this section:

(1) The term "domestic concern" means (A) any individual who is a citizen, national, or resident of the United States; or (B) any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship which has its principal place of business in the United States, or which is organized under the laws of a State of the United States or a territory, possession, or commonwealth of the United States.

(2) The term "foreign official" means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality. Such term does not include any employee of a foreign government or any department, agency, or instrumentality thereof whose duties are essentially ministerial or clerical.

(3) The term "interstate commerce" means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State or between any State and any place or ship outside thereof. Such term includes the intrastate use of (A) a telephone or other interstate means of communication, or (B) any other interstate instrumentality.

Domestic and
Foreign
Investment
Improved
Disclosure Act of
1977.
15 USC 78a note.
Equity security
acquisition,
statement, filing.
Contents.

15 USC 78L.
15 USC 80a-51.

TITLE II—DISCLOSURE

SEC. 201. This title may be cited as the "Domestic and Foreign Investment Improved Disclosure Act of 1977".

SEC. 202. Section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended to read as follows:

"(d)(1) Any person who, after acquiring directly or indirectly the beneficial ownership of any equity security of a class which is registered pursuant to section 12 of this title, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, is directly or indirectly the beneficial owner of more than 5 per centum of such class shall, within ten days after such acquisition, send to the issuer of the security at its principal executive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Commission, a statement containing such of the following information, and such additional information, as the Commission may by rules and regulations, prescribe as necessary or appropriate in the public interest or for the protection of investors—

"(A) the background, and identity, residence, and citizenship of, and the nature of such beneficial ownership by, such person and all other persons by whom or on whose behalf the purchases have been or are to be effected;

"(B) the source and amount of the funds or other consideration used or to be used in making the purchases, and if any part of the purchase price is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading such security, a description of the transaction and the names of the parties thereto, except that where a source of funds is a loan made in the ordinary course of business by a bank, as defined in section 3(a)(6) of this title, if the person filing such statement so requests, the name of the bank shall not be made available to the public;

“(C) if the purpose of the purchases or prospective purchases is to acquire control of the business of the issuer of the securities, any plans or proposals which such persons may have to liquidate such issuer, to sell its assets to or merge it with any other persons, or to make any other major change in its business or corporate structure;

“(D) the number of shares of such security which are beneficially owned, and the number of shares concerning which there is a right to acquire, directly or indirectly, by (i) such person, and (ii) by each associate of such person, giving the background, identity, residence, and citizenship of each such associate; and

“(E) information as to any contracts, arrangements, or understandings with any person with respect to any securities of the issuer, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guaranties of loans, guaranties against loss or guaranties of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and giving the details thereof.”

SEC. 203. Section 13 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78m), is amended by adding at the end thereof the following new subsection:

Equity security
ownership,
statement, filing.

“(g)(1) Any person who is directly or indirectly the beneficial owner of more than 5 per centum of any security of a class described in subsection (d)(1) of this section shall send to the issuer of the security and shall file with the Commission a statement setting forth, in such form and at such time as the Commission may, by rule, prescribe—

“(A) such person’s identity, residence, and citizenship; and

“(B) the number and description of the shares in which such person has an interest and the nature of such interest.

“(2) If any material change occurs in the facts set forth in the statement sent to the issuer and filed with the Commission, an amendment shall be transmitted to the issuer and shall be filed with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

Amendments.

“(3) When two or more persons act as a partnership, limited partnership, syndicate, or other group for the purpose of acquiring, holding, or disposing of securities of an issuer, such syndicate or group shall be deemed a ‘person’ for the purposes of this subsection.

“Person.”

“(4) In determining, for purposes of this subsection, any percentage of a class of any security, such class shall be deemed to consist of the amount of the outstanding securities of such class, exclusive of any securities of such class held by or for the account of the issuer or a subsidiary of the issuer.

“(5) In exercising its authority under this subsection, the Commission shall take such steps as it deems necessary or appropriate in the public interest or for the protection of investors (A) to achieve centralized reporting of information regarding ownership, (B) to avoid unnecessarily duplicative reporting by and minimize the compliance burden on persons required to report, and (C) to tabulate and promptly make available the information contained in any report filed pursuant to this subsection in a manner which will, in the view of the Commission, maximize the usefulness of the information to other Federal and State agencies and the public.

Information,
availability.

Exemption.

“(6) The Commission may, by rule or order, exempt, in whole or in part, any person or class of persons from any or all of the reporting requirements of this subsection as it deems necessary or appropriate in the public interest or for the protection of investors.

Report to Congress.

“(h) The Commission shall report to the Congress within thirty months of the date of enactment of this subsection with respect to (1) the effectiveness of the ownership reporting requirements contained in this title, and (2) the desirability and the feasibility of reducing or otherwise modifying the 5 per centum threshold used in subsections (d) (1) and (g) (1) of this section, giving appropriate consideration to—

Ante, p. 1498.

“(A) the incidence of avoidance of reporting by beneficial owners using multiple holders of record;

“(B) the cost of compliance to persons required to report;

“(C) the cost to issuers and others of processing and disseminating the reported information;

“(D) the effect of such action on the securities markets, including the system for the clearance and settlement of securities transactions;

“(E) the benefits to investors and to the public;

“(F) any bona fide interests of individuals in the privacy of their financial affairs;

15 USC 78m,
78n.

“(G) the extent to which such reported information gives or would give any person an undue advantage in connection with activities subject to sections 13(d) and 14(d) of this title;

“(H) the need for such information in connection with the administration and enforcement of this title; and

“(I) such other matters as the Commission may deem relevant, including the information obtained pursuant to section 13(f) of this title.”.

“Held of record.”
15 USC 78o.

SEC. 204. Section 15(d) of the Securities Exchange Act of 1934 is amended by inserting immediately before the last sentence the following new sentence: “The Commission may, for the purpose of this subsection, define by rules and regulations the term ‘held of record’ as it deems necessary or appropriate in the public interest or for the protection of investors in order to prevent circumvention of the provisions of this subsection.”.

Approved December 19, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-640 accompanying H.R. 3815 (Comm. on Interstate and Foreign Commerce) and No. 95-831 (Comm. of Conference).

SENATE REPORT No. 95-114 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May. 5, considered and passed Senate.

Nov. 1, considered and passed House, amended, in lieu of H.R. 3815.

Dec. 6, Senate agreed to conference report.

Dec. 7, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 52:

Dec. 20, Presidential statement.

Public Law 95-214
95th Congress

An Act

To amend title IV of the Employee Retirement Income Security Act of 1974 to postpone, for two years, the date on which the corporation first begins paying benefits under terminated multiemployer plans.

Dec. 19, 1977
[H.R. 9378]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4082(c) of the Employee Retirement Income Security Act of 1974 (relating to effective dates; special rules) is amended—

Employee
Retirement
Income Security
Act of 1974,
amendment.
29 USC 1381.

(1) by striking “January 1, 1978” in paragraph (1) and substituting “July 1, 1979”;

(2) by striking “January 1, 1978” in paragraph (2) and substituting “July 1, 1979”;

(3) by striking “December 31, 1977” in paragraph (2) (B) and substituting “June 30, 1979”;

(4) by striking “January 1, 1978” in paragraph (4) and substituting “July 1, 1979”;

(5) by striking “December 31, 1977” in paragraph (4) (D) and substituting “June 30, 1979”.

(b) Section 4082 of such Act is amended by adding at the end thereof the following new subsections:

Report to
congressional
committees.

“(d) The corporation shall present to the Committee on Education and Labor of the House of Representatives and the Committee on Human Resources and the Committee on Finance of the Senate a report which comprehensively addresses the anticipated financial condition of the program relating to mandatory coverage of multiemployer plans, including possible events which might cause the corporation to experience serious financial difficulty after July 1, 1979. Such report shall include an explanation of any alternative courses of action which might be taken by the corporation to insure proper coverage of multiemployer plans and the proper financing of the program relating to such plans. If the report contains recommendations for amendments to this title, such recommendations shall be fully explained, and shall be accompanied by explanations of other options for legislative change considered and rejected by the corporation. The report shall be presented by July 1, 1978.

- 29 USC 1301. “(e) Notwithstanding any provision of title IV of this Act to the contrary, the annual insurance premium payable to the Pension Benefit Guaranty Corporation for coverage of basic benefits guaranteed under section 4022 of this Act by plans that are not multiemployer plans shall be \$2.60 for each participant in the plan. This subsection shall be effective for plan years beginning on or after January 1, 1978, and the premium prescribed by this subsection shall be deemed to be the rate imposed by title IV of this Act for non-multiemployer plans until the rate schedule for such plans is revised pursuant to the procedure set out in section 4006 of this Act.”.
- 29 USC 1322.
Effective date.
- 29 USC 1306.

Approved December 19, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-706 (Comm. on Education and Labor).

SENATE REPORT No. 95-570 accompanying S. 2125 (Comm. on Human Resources and Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Nov. 1, considered and passed House.

Nov. 3, considered and passed Senate, amended.

Dec. 7, House agreed to Senate amendments.

Public Law 95-215
95th Congress

An Act

To amend the conditions for schools receiving capitation grants under section 770 of such Act, and for other purposes.

Dec. 19, 1977
[H.R. 9418]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 771(b)(3) of the Public Health Service Act is amended to read as follows:

Public Health
Service Act,
amendment.
Medical schools
grant eligibility,
fiscal year 1978.
Enrollment
requirements.
42 USC 295f-1.
42 USC 295f.

“(3) (A) Except as provided under subparagraph (D), a school of medicine may not receive a grant under section 770 to be made in the fiscal year ending September 30, 1978, unless its application for such grant contains or is supported by assurances satisfactory to the Secretary that such school will increase its enrollment of full-time, third-year students as prescribed by subparagraph (B).

“(B) The enrollment increase referred to in subparagraph (A) is an enrollment increase in a school of medicine—

“(i) which is to occur in school year 1978-1979,

“(ii) in the number of full-time, third-year students over the number of full-time, second-year students who successfully completed the second-year program of such school in the preceding school year and enrolled in the third-year class of such school, and

“(iii) which is not less than 5 per centum of the number of—

“(I) full-time, first-year students enrolled in such school in school year 1977-1978, or

“(II) full-time, third-year students enrolled in such school in school year 1977-1978,

whichever is less.

“(C) In determining the number of full-time, third-year students enrolled in a school in a school year in which an increase is required by subparagraph (B) (i)—

Enrollment
increase, criteria.

“(i) full-time, third-year students of such school who were not second-year students in such school and—

“(I) who are not citizens of the United States,

“(II) who were previously enrolled in a school of medicine to which the requirement of subparagraph (A) applies,

“(III) who were previously enrolled in a school of medicine to which the requirement of subparagraph (A) does not apply because of subparagraph (D) and for whom a position in the third-year class of such school was available in such school year,

“(IV) who first enrolled after October 12, 1976, in a school of medicine not in a State,

“(V) who were previously enrolled in a school of dentistry or a school of osteopathy, or

“(VI) who were previously enrolled in a school of medicine which is in a State and which is not accredited by the body or bodies approved for such purpose by the Commissioner of Education,

shall not be counted; and

“(ii) full-time, second-year students enrolled in such year who are citizens of the United States and who were first enrolled before October 12, 1976, in a school of medicine not in a State shall be counted as third-year students.

Waiver.

“(D) The Secretary may waive (in whole or in part) the requirement of subparagraph (A) for a school of medicine—

“(i) if the Secretary determines, after receiving the written recommendation of the appropriate accreditation body or bodies (approved for such purpose by the Commissioner of Education) that compliance by such school with such requirement will prevent it from maintaining its accreditation;

“(ii) upon a finding that, because of the inadequate size of the population served by the hospital or clinical facility in which such school conducts its clinical training, an increase in its enrollment of third-year students to meet such requirement will prevent it from providing high quality clinical training for each of its third-year students; or

“(iii) if the Secretary determines that such school has made a good faith effort to meet the requirement of subparagraph (A) but has been unable to meet such requirement solely because there is an insufficient number of students who, under this paragraph, are eligible to be counted in determining if the school has met such requirement.

42 USC 295f.

The requirement of subparagraph (A) does not apply to the application of a school of medicine for a grant under section 770 if in school year 1977-1978 such school had an enrollment of full-time, first-year students which exceeded its enrollment in such school year of full-time, third-year students by at least 25 per centum.

“(E) A school of medicine which did not receive a grant under section 770 because it did not comply with the applicable requirements of this paragraph shall not be eligible to receive a grant under such section to be made in the fiscal year ending September 30, 1979, or in the next fiscal year.”

First time enrollees.

42 USC 295f-2.
Ante, p. 1503;
Infra.

(b) Section 772 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

“(e) For purposes of administering the requirements of section 771, a reference to a year class of students is a reference to students enrolled in that class for the first time.”

Dental specialty programs.
42 USC 295f-1.

SEC. 2. Section 771(d)(2) of the Public Health Service Act is amended (1) by striking out “In” and inserting in lieu thereof “In the case of a school of dentistry which in school year 1976-1977 had at least six filled, first-year positions in dental specialty programs, in”, (2) by striking out “a school of dentistry’s” and inserting in lieu thereof “such a school’s”, (3) by striking out “filled positions” each place it occurs and inserting in lieu thereof “filled, first-year positions”, and (4) by striking out “shall be positions” and inserting in lieu thereof “shall be first-year positions”.

Public health schools, traineeship grants.
42 USC 294r.

SEC. 3. (a) Subsection (a) of section 748 of the Public Health Service Act is amended to read as follows:

“(a) The Secretary may make grants to—

“(1) accredited schools of public health, and

“(2) other public or nonprofit institutions which provide graduate or specialized training in public health and which are not eligible to receive a grant under section 749, to provide traineeships.”

(b) Section 748(b) (3) (B) of such Act is amended (1) by striking out “or” at the end of clause (iii), (2) by striking out the period at the end of clause (iv) and inserting in lieu thereof “, or” and (3) by adding after such clause the following: 42 USC 294r.

“(v) preventive medicine or dentistry.”.

(c) Section 748(c) of such Act is amended (1) by striking out “\$8,000,000” and inserting in lieu thereof “\$9,000,000”, and (2) by striking out “\$9,000,000” and inserting in lieu thereof “\$10,000,000”. Appropriation authorization.

(d) The heading for section 748 of such Act is amended to read as follows:

“PUBLIC HEALTH TRAINEESHIPS”.

SEC. 4. (a) Subsection (a) (1) of section 731 of the Public Health Service Act (relating to eligibility of student borrowers and terms of federally insured student loans) is amended to read as follows: 42 USC 294d.

“(1) made to—

“(A) a student who—

“(i) (I) has been accepted for enrollment at an eligible institution, or (II) in the case of a student attending an eligible institution, is in good standing at that institution, as determined by the institution;

“(ii) is or will be a full-time student (as defined in section 770(c) (2)) at the eligible institution; 42 USC 295f.

“(iii) in the case of a student in a school of medicine, osteopathy, or dentistry, has been authorized by the institution in accordance with section 739(b) (2) to receive a loan under this subpart; 42 USC 294f.

“(iv) has agreed that all funds received under such loan shall be used solely for tuition and other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by such students;

“(v) for the school year for which such loan is made, receives no funds from a loan insured under a Federal, State, or nonprofit program provided or assisted under part B of title IV of the Higher Education Act of 1965; 20 USC 1071. and

“(vi) in the case of a pharmacy student, has satisfactorily completed three years of training; or

“(B) an individual who—

“(i) has previously had a loan insured under this subpart when the individual was a full-time student at an eligible institution;

“(ii) is in a period during which, pursuant to paragraph (2), the principal amount of such previous loan need not be paid; and

“(iii) has agreed that all funds received under the proposed loan shall be used solely for repayment of interest due on previous loans made under this subpart; and”.

(b) Subsection (a) (2) of such section is amended—

(1) by inserting before the semicolon at the end of subparagraph (D) the following: “, except that the note or other written agreement may provide that payment of any interest otherwise payable (i) before the beginning of the repayment period, (ii) during any period described in subparagraph (C), or (iii) during any other period of forbearance of payment of principal, may be deferred until not later than the date upon which repayment of

Deferred interest.

the first installment of principal falls due or the date repayment of principal is required to resume (whichever is applicable) and may further provide that, on such date, the amount of the interest which has so accrued may be added to the principal"; and

42 USC 294d.

(2) by striking out "student" in subparagraph (E).

(c) Subsection (b) of such section (relating to maximum interest rates) is amended by striking out "10 percent per annum" and inserting in lieu thereof "12 percent per annum".

(d) Such section is further amended by adding after subsection (c) the following new subsection:

"(d) No provision of any law of the United States (other than subsections (a) (2) (D) and (b) of this section) or of any State that limits the rate or amount of interest payable on loans shall apply to a loan insured under this subpart."

(e) Subpart I of part C of title VII of the Public Health Service Act is amended as follows:

42 USC 294.

(1) In section 727(a), insert "(and certain former students of)" after "students in".

42 USC 294a.

(2) In the first sentence of section 728(a), strike out "students" and insert in lieu thereof "borrowers".

Supra.

Ante, p. 1505.

(3) In the second sentence of section 728(a), insert "or to obtain a loan under section 731(a) (1) (B) to pay interest on such prior loans" after "to continue or complete their educational program".

42 USC 294a.

(4) In section 728(c), strike out "student".

42 USC 294b.

(5) In the second sentence of section 729(a)—

(A) strike out "student" the first time it appears and insert in lieu thereof "borrower"; and

(B) insert "borrower who is or was a" before "student" the second and third time it appears.

42 USC 294d.

(6) In section 731(a) (2) (B), strike out "student" and insert in lieu thereof "borrower".

(7) In the heading to section 731, strike out "STUDENT".

42 USC 294e.

(8) In subsections (a) and (b) (2) of section 732, strike out "student" and insert in lieu thereof "borrower" each time it appears.

(9) In subsections (b) (1) and (e) of section 732, strike out "student".

42 USC 294f.

(10) In section 733, strike out "student" each time it appears.

(11) In the heading to section 733, strike out "STUDENT" and insert in lieu thereof "BORROWER".

42 USC 294k.

(12) In section 738, strike out "student".

42 USC 294l.

(13) In section 739(a) (1), strike out "student" and insert in lieu thereof "borrower".

42 USC 294j.

(f) Section 737(1) of the Public Health Service Act is amended (1) by striking out "and public health" and inserting in lieu thereof "or public health", and (2) by inserting "(A)" after "that" and by inserting before the period the following: ", or (B) was not eligible to receive such a grant for such fiscal year solely because it did not meet the applicable requirements of section 771(b) (3)".

Ante, p. 1503.

Effective date.

(g) The amendments made by this section shall take effect on October 1, 1977.

42 USC 294d

note.

National Health
Service Corps
Scholarship
program,
application
approval.

42 USC 294t.

SEC. 5. Effective October 1, 1977, section 751(d) (2) of the Public Health Service Act is amended to read as follows:

"(2) second, to applications made (and contracts submitted)—

"(A) for the school year beginning in calendar year 1978,
by individuals who are entering their first, second, or third

year of study in a course of study or program described in subsection (b) (1) (B) in such school year;

“(B) for the school year beginning in calendar year 1979, by individuals who are entering their first or second year of study in a course of study or program described in subsection (b) (1) (B) in such school year; and

“(C) for each school year thereafter, by individuals who are entering their first year of study in a course of study or program described in subsection (b) (1) (B) in such school year.”.

SEC. 6. (a) (1) Section 1515(b) (2) of the Public Health Service Act is amended (1) by striking out “which may not” and inserting in lieu thereof “which, except as otherwise provided in this paragraph, may not”, and (2) by adding after the first sentence the following: “The Secretary may, upon application of a conditionally designated entity, extend for an additional period of not to exceed 12 months the period of such entity’s conditional designation if the Secretary determines that (A) unusual circumstances exist or existed which prevent such entity from qualifying for designation under subsection (c) within 24 months of such entity’s conditional designation under this subsection, (B) such extension should enable such entity to qualify for designation under subsection (c), and (C) such extension is necessary to carry out the purposes of this title. Each such determination shall be in writing and shall include a summary of the reasons for it.”.

Health systems
agencies,
conditional
designation.
42 USC 300l-4.

(2) The second sentence of section 1516(a) of such Act is amended by inserting before the period at the end a comma and the following: “except that in the case of a grant made to a conditionally designated entity with which the Secretary will not enter into a designation agreement under section 1515(c), such grant shall be available for obligation for such additional period as the Secretary determines such entity will require to satisfactorily terminate its activities under the agreement for its conditional designation”.

Planning grants,
availability.
42 USC 300l-5.

42 USC 300l-4.

(b) Section 1521(b) (2) (B) of the Public Health Service Act is amended by striking out “twenty-four months” and inserting in lieu thereof “thirty-six months”.

42 USC 300m.

SEC. 7. The Secretary of Health, Education, and Welfare shall conduct a study to determine whether schools of medicine, nursing, or osteopathy deny admission or otherwise discriminate against any applicant to such schools because of the applicant’s reluctance, or willingness, to counsel, suggest, recommend, assist, or in any way participate in the performance of abortions or sterilizations contrary to his or her religious beliefs or moral convictions. Not later than February 1, 1978, the Secretary shall complete such study and report his findings and recommendations to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Human Resources of the Senate.

Study.
42 USC 300 note.

Report to
congressional
committees.

SEC. 8. (a) Section 1121(b) (5) of the Public Health Service Act is amended by inserting “fiscal year” before “ending September 30, 1977”.

42 USC 300c-11.

(b) Section 206(b) (6) of the Public Health Service Act is amended by striking out “senior” and inserting in lieu thereof “junior”.

42 USC 207.

(c) Section 772(b) of the Public Health Service Act is amended by striking out “section 778” and inserting in lieu thereof “section 788”.

42 USC 295f-2.

Saint Elizabeths
Hospital, excess
funds,
investment.

SEC. 9. Section 4839 of the Revised Statutes (24 U.S.C. 165) is amended by inserting after the fourth sentence the following: "With the approval of the Secretary of the Treasury, the disbursing agent may invest funds of the account in excess of current needs in interest-bearing obligations of the United States with maturities suitable for the needs of the account, and any interest on such investment shall be credited to and form a part of the account."

Approved December 19, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-707 (Comm. on Interstate and Foreign Commerce) and No. 95-828 (Comm. of Conference).

SENATE REPORTS: No. 95-545 accompanying S. 2159 (Comm. on Human Resources) and No. 95-608 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Oct. 17, considered and passed House.

Nov. 4, considered and passed Senate, amended, in lieu of S. 2159.

Dec. 1, Senate agreed to conference report.

Dec. 7, House agreed to conference report.

Public Law 95-216
95th Congress

An Act

To amend the Social Security Act and the Internal Revenue Code of 1954 to strengthen the financing of the social security system, and for other purposes.

Dec. 20, 1977
[H.R. 9346]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the “Social Security Amendments of 1977”.

Social Security
Amendments of
1977.
42 USC 1305
note.

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- Sec. 358. Computation of employee annuities.

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TITLE I—PROVISIONS RELATING TO THE FINANCING OF THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM

ADJUSTMENTS IN TAX RATES

- 26 USC 3101. SEC. 101. (a) (1) Section 3101(a) of the Internal Revenue Code of 1954 (relating to rate of tax on employees for purposes of old-age, survivors, and disability insurance) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:
- “(1) with respect to wages received during the calendar years 1974 through 1977, the rate shall be 4.95 percent;
 - “(2) with respect to wages received during the calendar year 1978, the rate shall be 5.05 percent;
 - “(3) with respect to wages received during the calendar years 1979 and 1980, the rate shall be 5.08 percent;
 - “(4) with respect to wages received during the calendar year 1981, the rate shall be 5.35 percent;

“(5) with respect to wages received during the calendar years 1982 through 1984, the rate shall be 5.40 percent;

“(6) with respect to wages received during the calendar years 1985 through 1989, the rate shall be 5.70 percent; and

“(7) with respect to wages received after December 31, 1989, the rate shall be 6.20 percent.”.

(2) Section 3111(a) of such Code (relating to rate of tax on employers for purposes of old-age, survivors, and disability insurance) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

Post, p. 1537.
26 USC 3111.

“(1) with respect to wages paid during the calendar years 1974 through 1977, the rate shall be 4.95 percent;

“(2) with respect to wages paid during the calendar year 1978, the rate shall be 5.05 percent;

“(3) with respect to wages paid during the calendar years 1979 and 1980, the rate shall be 5.08 percent;

“(4) with respect to wages paid during the calendar year 1981, the rate shall be 5.35 percent;

“(5) with respect to wages paid during the calendar years 1982 through 1984, the rate shall be 5.40 percent;

“(6) with respect to wages paid during the calendar years 1985 through 1989, the rate shall be 5.70 percent; and

“(7) with respect to wages paid after December 31, 1989, the rate shall be 6.20 percent.”.

(3) Section 1401(a) of such Code (relating to rate of tax on self-employment income for purposes of old-age, survivors, and disability insurance) is amended by striking out “a tax” and all that follows and inserting in lieu thereof the following: “a tax as follows:

26 USC 1401.

“(1) in the case of any taxable year beginning before January 1, 1978, the tax shall be equal to 7.0 percent of the amount of the self-employment income for such taxable year;

“(2) in the case of any taxable year beginning after December 31, 1977, and before January 1, 1979, the tax shall be equal to 7.10 percent of the amount of the self-employment income for such taxable year;

“(3) in the case of any taxable year beginning after December 31, 1978, and before January 1, 1981, the tax shall be equal to 7.05 percent of the amount of the self-employment income for such taxable year;

“(4) in the case of any taxable year beginning after December 31, 1980, and before January 1, 1982, the tax shall be equal to 8.00 percent of the amount of the self-employment income for such taxable year;

“(5) in the case of any taxable year beginning after December 31, 1981, and before January 1, 1985, the tax shall be equal to 8.05 percent of the amount of the self-employment income for such taxable year;

“(6) in the case of any taxable year beginning after December 31, 1984, and before January 1, 1990, the tax shall be equal to 8.55 percent of the amount of the self-employment income for such taxable year; and

“(7) in the case of any taxable year beginning after December 31, 1989, the tax shall be equal to 9.30 percent of the amount of the self-employment income for such taxable year.”.

(b) (1) Section 3101(b) of such Code (relating to rate of tax on employees for purposes of hospital insurance) is amended by striking

Hospital
insurance.
26 USC 3101.

out paragraphs (1) through (4) and inserting in lieu thereof the following:

“(1) with respect to wages received during the calendar years 1974 through 1977, the rate shall be 0.90 percent;

“(2) with respect to wages received during the calendar year 1978, the rate shall be 1.00 percent;

“(3) with respect to wages received during the calendar years 1979 and 1980, the rate shall be 1.05 percent;

“(4) with respect to wages received during the calendar years 1981 through 1984, the rate shall be 1.30 percent;

“(5) with respect to wages received during the calendar year 1985, the rate shall be 1.35 percent; and

“(6) with respect to wages received after December 31, 1985, the rate shall be 1.45 percent.”.

26 USC 3111.

(2) Section 3111(b) of such Code (relating to rate of tax on employers for purposes of hospital insurance) is amended by striking out paragraphs (1) through (4) and inserting in lieu thereof the following:

“(1) with respect to wages paid during the calendar years 1974 through 1977, the rate shall be 0.90 percent;

“(2) with respect to wages paid during the calendar year 1978, the rate shall be 1.00 percent;

“(3) with respect to wages paid during the calendar years 1979 and 1980, the rate shall be 1.05 percent;

“(4) with respect to wages paid during the calendar years 1981 through 1984, the rate shall be 1.30 percent;

“(5) with respect to wages paid during the calendar year 1985, the rate shall be 1.35 percent; and

“(6) with respect to wages paid after December 31, 1985, the rate shall be 1.45 percent.”.

26 USC 1401.

(3) Section 1401(b) of such Code (relating to tax on self-employment income for purposes of hospital insurance) is amended by striking out paragraphs (1) through (4) and inserting in lieu thereof the following:

“(1) in the case of any taxable year beginning after December 31, 1973, and before January 1, 1978, the tax shall be equal to 0.90 percent of the amount of the self-employment income for such taxable year;

“(2) in the case of any taxable year beginning after December 31, 1977, and before January 1, 1979, the tax shall be equal to 1.00 percent of the amount of the self-employment income for such taxable year;

“(3) in the case of any taxable year beginning after December 31, 1978, and before January 1, 1981, the tax shall be equal to 1.05 percent of the amount of the self-employment income for such taxable year;

“(4) in the case of any taxable year beginning after December 31, 1980, and before January 1, 1985, the tax shall be equal to 1.30 percent of the amount of the self-employment income for such taxable year;

“(5) in the case of any taxable year beginning after December 31, 1984, and before January 1, 1986, the tax shall be equal to 1.35 percent of the amount of the self-employment income for such taxable year; and

“(6) in the case of any taxable year beginning after December 31, 1985, the tax shall be equal to 1.45 percent of the amount of the self-employment income for such taxable year.”.

ALLOCATIONS TO DISABILITY INSURANCE TRUST FUND

SEC. 102. (a) (1) Section 201(b) (1) of the Social Security Act is amended by striking out clauses (G) through (J) and inserting in lieu thereof the following: “(G) 1.55 per centum of the wages (as so defined) paid after December 31, 1977, and before January 1, 1979, and so reported, (H) 1.50 per centum of the wages (as so defined) paid after December 31, 1978, and before January 1, 1981, and so reported, (I) 1.65 per centum of the wages (as so defined) paid after December 31, 1980, and before January 1, 1985, and so reported, (J) 1.90 per centum of the wages (as so defined) paid after December 31, 1984, and before January 1, 1990, and so reported, and (K) 2.20 per centum of the wages (as so defined) paid after December 31, 1989, and so reported.”. 42 USC 401.

(2) Section 201(b) (2) of such Act is amended by striking out clauses (G) through (J) and inserting in lieu thereof the following: “(G) 1.090 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1977, and before January 1, 1979, (H) 1.0400 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1978, and before January 1, 1981, (I) 1.2375 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1980, and before January 1, 1985, (J) 1.4250 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1984, and before January 1, 1990, and (K) 1.650 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1989.”.

INCREASES IN EARNINGS BASE

SEC. 103. (a) (1) Section 230(a) of the Social Security Act is amended by inserting “or (c)” after “determined under subsection (b)”. 42 USC 430.

(2) Section 230(b) of such Act is amended by striking out “shall be” in the matter preceding paragraph (1) and inserting in lieu thereof “shall (subject to subsection (c)) be”.

(b) Section 230(c) of such Act is amended—

(1) by inserting “(1)” immediately before “the ‘contribution and benefit base’”; and

(2) by striking out “section.” and inserting in lieu thereof the following:

“section, and (2) the ‘contribution and benefit base’ with respect to remuneration paid (and taxable years beginning)—

“(A) in 1978 shall be \$17,700,

“(B) in 1979 shall be \$22,900,

“(C) in 1980 shall be \$25,900, and

“(D) in 1981 shall be \$29,700.

For purposes of determining under subsection (b) the ‘contribution and benefit base’ with respect to remuneration paid (and taxable years beginning) in 1982 and subsequent years, the dollar amounts specified in clause (2) of the preceding sentence shall be considered to have resulted from the application of such subsection (b) and to be the amount determined (with respect to the years involved) under that subsection. For purposes of determining employer tax liability under section 3221(a) of the Internal Revenue Code of 1954, for purposes of

Infra.

Contribution and
benefit base.

26 USC 3221.

- 26 USC 3211. determining the portion of the employee representative tax liability under section 3211(a) of such Code which results from the application of the 9.5 percent rate specified therein, and for purposes of computing average monthly compensation under section 3(j) of the
- 45 USC 231b. Railroad Retirement Act of 1974, except with respect to annuity amounts determined under section 3(a) or (3)(f)(3) of such Act, clause (2) and the preceding sentence of this subsection shall be disregarded.”
- 42 USC 430. (c)(1) Section 230 of such Act is further amended by adding at the end thereof the following new subsection:
- “ (d) Notwithstanding any other provision of law, the contribution and benefit base determined under this section for any calendar year after 1976 for purposes of section 4022(b)(3)(B) of Public Law 93-406, with respect to any plan, shall be the contribution and benefit base that would have been determined for such year if this section as in effect immediately prior to the enactment of the Social Security Amendments of 1977 had remained in effect without change.”
- 29 USC 1322. (2) The amendment made by paragraph (1) shall apply with respect to plan terminations occurring after the date of the enactment of this Act.
- Effective date.
42 USC 430 note. (d)(1) The second sentence of section 215(i)(2)(D)(v) of such Act is amended by striking out “is equal to one-twelfth of the new contribution and benefit base” and inserting in lieu thereof “is equal to, or exceeds by less than \$5, one-twelfth of the new contribution and benefit base”.
- 42 USC 415. (2) The third sentence of section 215(i)(2)(D)(v) of such Act is amended by striking out all that follows “clause (iv)” and inserting in lieu thereof “plus 20 percent of the excess of the second figure in the last line of column III as extended under the preceding sentence over such second figure for the calendar year in which the table of benefits is revised.”.

EFFECTIVE DATE

- 26 USC 1401
note. SEC. 104. The amendments made by this title shall apply with respect to remuneration paid or received, and taxable years beginning, after 1977.

TITLE II—STABILIZATION OF REPLACEMENT RATES IN THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM

COMPUTATION OF PRIMARY INSURANCE AMOUNT

- 42 USC 415. SEC. 201. (a) Section 215(a) of the Social Security Act is amended to read as follows:
- “ (a) (1) (A) The primary insurance amount of an individual shall (except as otherwise provided in this section) be equal to the sum of—
- “ (i) 90 percent of the individual’s average indexed monthly earnings (determined under subsection (b)) to the extent that such earnings do not exceed the amount established for purposes of this clause by subparagraph (B),
- “ (ii) 32 percent of the individual’s average indexed monthly earnings to the extent that such earnings exceed the amount established for purposes of clause (i) but do not exceed the amount established for purposes of this clause by subparagraph (B), and

“(iii) 15 percent of the individual’s average indexed monthly earnings to the extent that such earnings exceed the amount established for purposes of clause (ii), rounded in accordance with subsection (g), and thereafter increased as provided in subsection (i).

“(B) (i) For individuals who initially become eligible for old-age or disability insurance benefits, or who die (before becoming eligible for such benefits), in the calendar year 1979, the amount established for purposes of clause (i) and (ii) of subparagraph (A) shall be \$180 and \$1,085, respectively.

“(ii) For individuals who initially become eligible for old-age or disability insurance benefits, or who die (before becoming eligible for such benefits), in any calendar year after 1979, each of the amounts so established shall equal the product of the corresponding amount established with respect to the calendar year 1979 under clause (i) of this subparagraph and the quotient obtained by dividing—

“(I) the average of the total wages (as defined in regulations of the Secretary and computed without regard to the limitations specified in section 209(a)) reported to the Secretary of the Treasury or his delegate for the second calendar year preceding the calendar year for which the determination is made, by

42 USC 409.

“(II) the average of the total wages (as so defined and computed) reported to the Secretary of the Treasury or his delegate for the calendar year 1977.

“(iii) Each amount established under clause (ii) for any calendar year shall be rounded to the nearest \$1, except that any amounts so established which is a multiple of \$0.50 but not of \$1 shall be rounded to the next higher \$1.

“(C) (i) No primary insurance amount computed under subparagraph (A) may be less than—

“(I) the dollar amount set forth on the first line of column IV in the table of benefits contained in (or deemed to be contained in) this subsection as in effect in December 1978, rounded (if not a multiple of \$1) to the next higher multiple of \$1, or

“(II) an amount equal to \$11.50 multiplied by the individual’s years of coverage in excess of 10, or the increased amount determined for purposes of this subdivision under subsection (i), whichever is greater. No increase under subsection (i), except as provided in subsection (i) (2) (A), shall apply to the dollar amount specified in subdivision (I) of this clause.

“(ii) For purposes of clause (i) (II), the term ‘years of coverage’ with respect to any individual means the number (not exceeding 30) equal to the sum of (I) the number (not exceeding 14 and disregarding any fraction) determined by dividing (a) the total of the wages credited to such individual (including wages deemed to be paid prior to 1951 to such individual under section 217, compensation under the Railroad Retirement Act of 1937 prior to 1951 which is creditable to such individual pursuant to this title, and wages deemed to be paid prior to 1951 to such individual under section 231) for years after 1936 and before 1951 by (b) \$900, plus (II) the number equal to the number of years after 1950 each of which is a computation base year (within the meaning of subsection (b) (2) (B) (ii)) and in each of which he is credited with wages (including wages deemed to be paid to such individual under section 217, compensation under the Railroad Retirement Act of 1937 or 1974 which is creditable to such individual pursuant to this title, and wages deemed to be paid to such individual under section 229) and self-employment income of not less than 25

“Years of coverage.”

Post, p. 1529.
45 USC 228a.

42 USC 431.

45 USC 228a,
231.
Post, p. 1554.

Ante, p. 1513,
Post, p. 1554.

Publication in
Federal Register.

Publication in
Federal Register.

percent of the maximum amount which, pursuant to subsection (e), may be counted for such year, or of not less than 25 percent of the maximum amount which could be so counted for such year (in the case of a year after 1977) if section 230 as in effect immediately prior to the enactment of the Social Security Amendments of 1977 had remained in effect without change.

“(D) In each calendar year after 1978 the Secretary shall publish in the Federal Register, on or before November 1, the formula for computing benefits under this paragraph and for adjusting wages and self-employment income under subsection (b) (3) in the case of an individual who becomes eligible for an old-age insurance benefit, or (if earlier) becomes eligible for a disability insurance benefit or dies, in the following year, and the average of the total wages (as described in subparagraph (B) (ii) (I)) on which that formula is based. With the initial publication required by this subparagraph, the Secretary shall also publish in the Federal Register the average of the total wages (as so described) for each calendar year after 1950.

“(2) (A) A year shall not be counted as the year of an individual’s death or eligibility for purposes of this subsection or subsection (i) in any case where such individual was entitled to a disability insurance benefit for any of the 12 months immediately preceding the month of such death or eligibility (but there shall be counted instead the year of the individual’s eligibility for the disability insurance benefit or benefits to which he was entitled during such 12 months).

“(B) In the case of an individual who was entitled to a disability insurance benefit for any of the 12 months before the month in which he became entitled to an old-age insurance benefit, became reentitled to a disability insurance benefit, or died, the primary insurance amount for determining any benefit attributable to that entitlement, reentitlement, or death is the greater of—

“(i) the primary insurance amount upon which such disability insurance benefit was based, increased by the amount of each general benefit increase (as defined in subsection (i) (3)), and each increase provided under subsection (i) (2), that would have applied to such primary insurance amount had the individual remained entitled to such disability insurance benefit until the month in which he became so entitled or reentitled or died, or

“(ii) the amount computed under paragraph (1) (C).

“(C) In the case of an individual who was entitled to a disability insurance benefit for any month, and with respect to whom a primary insurance amount is required to be computed at any time after the close of the period of the individual’s disability (whether because of such individual’s subsequent entitlement to old-age insurance benefits or to a disability insurance benefit based upon a subsequent period of disability, or because of such individual’s death), the primary insurance amount so computed may in no case be less than the primary insurance amount with respect to which such former disability insurance benefit was most recently determined.

“(3) (A) Paragraph (1) applies only to an individual who was not eligible for an old-age insurance benefit prior to January 1979 and who in that or any succeeding month—

“(i) becomes eligible for such a benefit,

“(ii) becomes eligible for a disability insurance benefit, or

“(iii) dies,

and (except for subparagraph (C) (i) (II) thereof) it applies to every such individual except to the extent otherwise provided by paragraph (4).

“(B) For purposes of this title, an individual is deemed to be eligible—

“(i) for old-age insurance benefits, for months beginning with the month in which he attains age 62, or

“(ii) for disability insurance benefits, for months beginning with the month in which his period of disability began as provided under section 216(i)(2)(C),

42 USC 416.

except as provided in paragraph (2)(A) in cases where fewer than 12 months have elapsed since the termination of a prior period of disability.

“(4) Paragraph (1) (except for subparagraph (C)(i)(II) thereof) does not apply to the computation or recomputation of a primary insurance amount for—

Limitations.

“(A) an individual who was eligible for a disability insurance benefit for a month prior to January 1979 unless, prior to the month in which occurs the event described in clause (i), (ii), or (iii) of paragraph (3)(A), there occurs a period of at least 12 consecutive months for which he was not entitled to a disability insurance benefit, or

“(B) an individual who had wages or self-employment income credited for one or more years prior to 1979, and who was not eligible for an old-age or disability insurance benefit, and did not die, prior to January 1979, if in the year for which the computation or recommendation would be made the individual's primary insurance amount would be greater if computed or recomputed—

“(i) under section 215(a) as in effect in December 1978, for purposes of old-age insurance benefits in the case of an individual who becomes eligible for such benefits prior to 1984, or

“(ii) as provided by section 215(d), in the case of an individual to whom such section applies.

Post, pp. 1519, 1520.

In determining whether an individual's primary insurance amount would be greater if computed or recomputed as provided in subparagraph (B), (I) the table of benefits in effect in December 1978 shall be applied without regard to any increases in that table which may become effective (in accordance with subsection (i)(4)) for years after 1978 (subject to clause (iii) of subsection (i)(2)(A) but without regard to clauses (iv) and (v) thereof) and (II) such individual's average monthly wage shall be computed as provided by subsection (b)(4).

“(5) For purposes of computing the primary insurance amount (after December 1978) of an individual to whom paragraph (1) does not apply (other than an individual described in paragraph (4)(B)), this section as in effect in December 1978 shall remain in effect, except that, effective for January 1979, the dollar amount specified in paragraph (3) of subsection (a) shall be increased to \$11.50. The table for determining primary insurance amounts and maximum family benefits contained in this section in December 1978 shall be revised as provided by subsection (i) for each year after 1978.”

(b) Section 215(b) of such Act is amended to read as follows:

42 USC 415.

“Average Indexed Monthly Earnings; Average Monthly Wage

“(b)(1) An individual's average indexed monthly earnings shall be equal to the quotient obtained by dividing—

“(A) the total (after adjustment under paragraph (3)) of his wages paid in and self-employment income credited to his benefit computation years (determined under paragraph (2)), by

“(B) the number of months in those years.

- “(2) (A) The number of an individual’s benefit computation years equals the number of elapsed years, reduced by five, except that the number of an individual’s benefit computation years may not be less than two.
- Definitions. “(B) For purposes of this subsection with respect to any individual—
- “(i) the term ‘benefit computation years’ means those computation base years, equal in number to the number determined under subparagraph (A), for which the total of such individual’s wages and self-employment income, after adjustment under paragraph (3), is the largest;
- “(ii) the term ‘computation base years’ means the calendar years after 1950 and before—
- “(I) in the case of an individual entitled to old-age insurance benefits, the year in which occurred (whether by reason of section 202(j) (1) or otherwise) the first month of that entitlement; or
- “(II) in the case of an individual who has died (without having become entitled to old-age insurance benefits), the year succeeding the year of his death;
- except that such term excludes any calendar year entirely included in a period of disability; and
- “(iii) the term ‘number of elapsed years’ means (except as otherwise provided by section 104(j) (2) of the Social Security Amendments of 1972) the number of calendar years after 1950 (or, if later, the year in which the individual attained age 21) and before the year in which the individual died, or, if it occurred earlier (but after 1960), the year in which he attained age 62; except that such term excludes any calendar year any part of which is included in a period of disability.
- 42 USC 414 note. “(3) (A) Except as provided by subparagraph (B), the wages paid in and self-employment income credited to each of an individual’s computation base years for purposes of the selection therefrom of benefit computation years under paragraph (2) shall be deemed to be equal to the product of—
- “(i) the wages and self-employment income paid in or credited to such year (as determined without regard to this subparagraph), and
- “(ii) the quotient obtained by dividing—
- “(I) the average of the total wages (as defined in regulations of the Secretary and computed without regard to the limitations specified in section 209(a)) reported to the Secretary of the Treasury or his delegate for the second calendar year (after 1976) preceding the earliest of the year of the individual’s death, eligibility for an old-age insurance benefit, or eligibility for a disability insurance benefit (except that the year in which the individual dies, or becomes eligible, shall not be considered as such year if the individual was entitled to disability insurance benefits for any month in the 12-month period immediately preceding such death or eligibility, but there shall be counted instead the year of the individual’s eligibility for the disability insurance benefit to which he was entitled in such 12-month period), by
- “(II) the average of the total wages (as so defined and computed) reported to the Secretary of the Treasury or his
- 42 USC 409.

delegate for the computation base year for which the determination is made.

“(B) Wages paid in or self-employment income credited to an individual’s computation base year which—

“(i) occurs after the second calendar year specified in subparagraph (A) (ii) (I), or

“(ii) is a year treated under subsection (f) (2) (C) as though it were the last year of the period specified in paragraph (2) (B) (ii),

shall be available for use in determining an individual’s benefit computation years, but without applying subparagraph (A) of this paragraph.

“(4) For purposes of determining the average monthly wage of an individual whose primary insurance amount is computed (after 1978) under section 215(a) or 215(d) as in effect (except with respect to the table contained therein) in December 1978, by reason of subsection (a) (4) (B), this subsection as in effect in December 1978 shall remain in effect, except that paragraph (2) (C) (as then in effect) shall be deemed to provide that ‘computation base years’ include only calendar years in the period after 1950 (or 1936, if applicable) and prior to the year in which occurred the first month for which the individual was eligible (as defined in subsection (a) (3) (B) as in effect in January 1979) for an old-age or disability insurance benefit, or, if earlier, the year in which he died. Any calendar year all of which is included in a period of disability shall not be included as a computation base year for such purposes.”

Ante, p. 1514,
Post, p. 1520.

(c) Section 215(c) of such Act is amended to read as follows:

42 USC 415.

“Application of Prior Provisions in Certain Cases

“(c) This subsection as in effect in December 1978 shall remain in effect with respect to an individual to whom subsection (a) (1) does not apply by reason of the individual’s eligibility for an old-age or disability insurance benefit, or the individual’s death, prior to 1979.”

(d) (1) The matter in the text of section 215(d) of such Act which precedes paragraph (1) (C) is amended to read as follows:

Primary
insurance benefit,
computation.

“(d) (1) For purposes of column I of the table appearing in subsection (a), as that subsection was in effect in December 1977, an individual’s primary insurance benefit shall be computed as follows:

“(A) The individual’s average monthly wage shall be determined as provided in subsection (b), as in effect in December 1977 (but without regard to paragraph (4) thereof), except that for purposes of paragraphs (2) (C) and (3) of that subsection (as so in effect) 1936 shall be used instead of 1950.

“(B) For purposes of subparagraphs (B) and (C) of subsection (b) (2) (as so in effect)—

“(i) the total wages prior to 1951 (as defined in subparagraph (C) of this paragraph) of an individual who attained age 21 after 1936 and prior to 1950 shall be divided by the number of years (hereinafter in this subparagraph referred to as the ‘divisor’) elapsing after the year in which the individual attained age 20 and prior to 1951; and

“(ii) the total wages prior to 1951 (as defined in subparagraph (C) of this paragraph) of an individual who attained age 21 after 1949 shall be divided by the number of years (hereinafter in this subparagraph referred to as the ‘divisor’) elapsing after 1949 and prior to 1951.

The quotient so obtained shall be deemed to be the individual's wages credited to each of the years which were used in computing the amount of the divisor, except that—

“(iii) if the quotient exceeds \$3,000, only \$3,000 shall be deemed to be the individual's wages for each of the years which were used in computing the amount of the divisor, and the remainder of the individual's total wages prior to 1951 (I) if less than \$3,000, shall be deemed credited to the year immediately preceding the earliest year used in computing the amount of the divisor, or (II) if \$3,000 or more, shall be deemed credited, in \$3,000 increments, to the year immediately preceding the earliest year used in computing the amount of the divisor and to each year consecutively preceding that year, with any remainder less than \$3,000 being credited to the year immediately preceding the earliest year to which a full \$3,000 increment was credited; and

“(iv) no more than \$42,000 may be taken into account, for purposes of this subparagraph, as total wages after 1936 and prior to 1951.”

42 USC 415.

(2) Section 215(d)(1)(D) of such Act is amended to read as follows:

“(D) The individual's primary insurance benefit shall be 40 percent of the first \$50 of his average monthly wage as computed under this subsection, plus 10 percent of the next \$200 of his average monthly wage, increased by 1 percent for each increment year. The number of increment years is the number, not more than 14 nor less than 4, that is equal to the individual's total wages prior to 1951 divided by \$1,650 (disregarding any fraction).”

(3) Section 215(d)(3) of such Act is amended (A) by striking out “in the case of an individual” and all that follows and inserting in lieu thereof the following “in the case of an individual who had a period of disability which began prior to 1951, but only if the primary insurance amount resulting therefrom is higher than the primary insurance amount resulting from the application of this section (as amended by the Social Security Amendments of 1967) and section 220.”

42 USC 420.

(4) Section 215(d) of such Act is further amended by adding at the end thereof the following new paragraph:

“(4) The provisions of this subsection as in effect in December 1977 shall be applicable to individuals who become eligible for old-age or disability insurance benefits or die prior to 1978.”

(e) Section 215(e) of such Act is amended—

(1) by striking out “average monthly wage” each place it appears and inserting in lieu thereof “average indexed monthly earnings or, in the case of an individual whose primary insurance amount is computed under section 215(a) as in effect prior to January 1979, average monthly wage,” and

42 USC 415.

(2) by inserting immediately before “of (A)” in paragraph (1) the following: “(before the application, in the case of average indexed monthly earnings, of subsection (b)(3)(A))”.

Recomputation.

(f) (1) Section 215(f)(2) of this Act is amended to read as follows:

“(2) (A) If an individual has wages or self-employment income for a year after 1978 for any part of which he is entitled to old-age or disability insurance benefits, the Secretary shall, at such time or times and within such period as he may by regulation prescribe, recompute the individual's primary insurance account for that year.

(B) For the purpose of applying subparagraph (A) of subsection (a)(1) to the average indexed monthly earnings of an individual to whom that subsection applies and who receives a recomputation under this paragraph, there shall be used, in lieu of the amounts established by subsection (a)(1)(B) for purposes of clauses (i) and (ii) of subsection (a)(1)(A), the amounts so established that were (or, in the case of an individual described in subsection (a)(4)(B), would have been) used in the computation of such individual's primary insurance amount prior to the application of this subsection.

“(C) A recomputation of any individual's primary insurance amount under this paragraph shall be made as provided in subsection (a)(1) as though the year with respect to which it is made is the last year of the period specified in subsection (b)(2)(B)(ii); and subsection (b)(3)(A) shall apply with respect to any such recomputation as it applied in the computation of such individual's primary insurance amount prior to the application of this subsection.

“(D) A recomputation under this paragraph with respect to any year shall be effective—

“(i) in the case of an individual who did not die in that year, for monthly benefits beginning with benefits for January of the following year; or

“(ii) in the case of an individual who died in that year, for monthly benefits beginning with benefits for the month in which he died.”.

(2) Section 215(f)(3) of such Act is repealed.

(3) Section 215(f)(4) of such Act is amended to read as follows:

Repeal.
42 USC 415.

“(4) A recomputation shall be effective under this subsection only if it increases the primary insurance amount by at least \$1.”.

(4) Section 215(f) of such Act is further amended by adding at the end thereof the following new paragraphs:

“(7) This subsection as in effect in December 1978 shall continue to apply to the recomputation of a primary insurance amount computed under subsection (a) or (d) as in effect (without regard to the table in subsection (a)) in that month, and, where appropriate, under subsection (d) as in effect in December 1977. For purposes of recomputing a primary insurance amount determined under subsection (a) or (d) (as so in effect) in the case of an individual to whom those subsections apply by reason of subsection (a)(4)(B) as in effect after December 1978, no remuneration shall be taken into account for the year in which the individual initially became eligible for an old-age or disability insurance benefit or died, or for any year thereafter.

“(8) The Secretary shall recompute the primary insurance amounts applicable to beneficiaries whose benefits are based on a primary insurance amount which was computed under subsection (a)(3) effective prior to January 1979, or would have been so computed if the dollar amount specified therein were \$11.50. Such recomputation shall be effective January 1979, and shall include the effect of the increase in the dollar amount provided by subsection (a)(1)(C)(i)(II). Such primary insurance amount shall be deemed to be provided under such section for purposes of subsection (i).”.

(g)(1) Section 215(i)(2)(A)(ii) of such Act is amended to read as follows:

Cost-of-living
computation
quarter.

“(ii) If the Secretary determines that the base quarter in any year is a cost-of-living computation quarter, he shall, effective with the month of June of that year as provided in subparagraph (B), increase—

42 USC 427,
428. “(I) the benefit amount to which individuals are entitled for that month under section 227 or 228,

“ (II) the primary insurance amount of each other individual on which benefit entitlement is based under this title (including a primary insurance amount determined under subsection (a) (1) (C) (i) (I), but subject to the provisions of such subsection (a) (1) (C) (i) and clauses (iv) and (v) of this subparagraph), and

Post, p. 1524. “ (III) the amount of total monthly benefits based on any primary insurance amount which is permitted under section 203 (and such total shall be increased, unless otherwise so increased under another provision of this title, at the same time as such primary insurance amount) or, in the case of a primary insurance amount computed under subsection (a) as in effect (without regard to the table contained therein) prior to January 1979, the amount to which the beneficiaries may be entitled under section 203 as in effect in December 1978, except as provided by section 203(a) (6) and (7) as in effect after December 1978.

Post, pp. 1526,
1527.

The increase shall be derived by multiplying each of the amounts described in subdivisions (I), (II), and (III) (including each of those amounts as previously increased under this subparagraph) by the same percentage (rounded to the nearest one-tenth of 1 percent) as the percentage by which the Consumer Price Index for that cost-of-living computation quarter exceeds such index for the most recent prior calendar quarter which was a base quarter under paragraph (1) (A) (ii) or, if later, the most recent cost-of-living computation quarter under paragraph (1) (B); and any amount so increased that is not a multiple of \$0.10 shall be increased to the next higher multiple of \$0.10. Any increase under this subsection in a primary insurance amount determined under subparagraph (C) (i) (II) of subsection (a) (1) shall be applied after the initial determination of such primary insurance amount under that subparagraph (with the amount of such increase, in the case of an individual who becomes eligible for old-age or disability insurance benefits or dies in a calendar year after 1979, being determined from the range of possible primary insurance amounts published by the Secretary under the last sentence of subparagraph (D)).”

42 USC 415. (2) Section 215(i) (2) (A) of such Act is amended by adding at the end thereof the following new clauses:

“ (iii) In the case of an individual who becomes eligible for an old-age or disability insurance benefit, or who dies prior to becoming so eligible, in a year in which there occurs an increase provided under clause (ii), the individual's primary insurance amount (without regard to the time of entitlement to that benefit) shall be increased (unless otherwise so increased under another provision of this title and, with respect to a primary insurance amount determined under subsection (a) (1) (C) (i) (I), subject to the provisions of subsection (a) (1) (C) (i) and clauses (iv) and (v) of this subparagraph) by the amount of that increase and subsequent applicable increases, but only with respect to benefits payable for months after May of that year.

Ante, p. 1514.

“ (iv) (I) In the case of an individual who is entitled to an old-age insurance benefit that is based on a primary insurance amount determined under subsection (a) (1) (C) (i) (I), such primary insurance amount shall not be increased under this subsection for any year before the year in which occurs the first month with respect to which there is payable to such individual all or some part of such benefit after application of the provisions of section 203 relating to deductions on account of work, or, if earlier, the year in which he attains age 65.

“(II) In the case of an individual who is entitled to an insurance benefit under subsection (e) or (f) of section 202 that is based on a primary insurance amount determined under subsection (a) (1) (C) (i) (I), such primary insurance amount shall not be increased under this subsection for any year (except as provided in subdivision (III)) before the year in which occurs the first month with respect to which there is payable to such individual all or some part of such benefit after application of the provisions of section 203 relating to deductions on account of work, or, if earlier, the year in which he attains age 65.

42 USC 402.

Ante, p. 1514.

Post, p. 1524.

“(III) Any increase under this subsection which would otherwise be applied to a primary insurance amount except for the provisions of subdivision (II) of this clause, shall apply to such primary insurance amount if, during any month of the year in which the increase occurs, any individual is entitled to a benefit under subsection (d), (g), or (h) of section 202 based on such primary insurance amount, and such primary insurance amount is based upon the wages and self-employment income of a deceased individual.

“(IV) No primary insurance amount determined under subsection (a) (1) (C) (i) (I) shall be increased under this subsection for any year during which no individual was entitled to any benefit based thereon under section 202 or 223 for any month of such year.

Post, pp. 1544, 1547.

“(V) In any case in which an increase under this subsection which occurs during any year applies to a primary insurance amount determined under subsection (a) (1) (C) (i) (I), and such an increase occurring in a later year does not apply to such primary insurance amount on account of the provisions of this clause, any such increase which occurs in a later year which is applicable to such primary insurance amount shall be based upon such primary insurance amount as previously increased under this subsection.

“(v) Notwithstanding clause (iv), no primary insurance amount shall be less than that provided under section 215(a)(1) without regard to subparagraph (C) (i) (I) thereof, as subsequently increased by applicable increases under this section.”.

(3) Section 215(i)(2)(D) of such Act (as amended by section 103(d) of this Act) is further amended by striking out all that follows the first sentence and inserting in lieu thereof the following: “He shall also publish in the Federal Register at that time (i) a revision of the range of the primary insurance amounts which are possible after the application of this subsection based on the dollar amount specified in subparagraph (C) (i) (II) of subsection (a) (1) (with such revised primary insurance amounts constituting the increased amounts determined for purposes of such subparagraph (C) (i) (II) under this subsection), or specified in subsection (a) (3) as in effect prior to 1979, and (ii) a revision of the range of maximum family benefits which correspond to such primary insurance amounts (with such maximum benefits being effective notwithstanding section 203(a) except for paragraph (3) (B) thereof (or paragraph (2) thereof as in effect prior to 1979)).”.

Primary insurance amounts, revision.
Ante, p. 1514.
Publication in Federal Register.

(4) Section 215(i) of such Act is further amended by adding at the end thereof the following new paragraph:

“(4) This subsection as in effect in December 1978 shall continue to apply to subsections (a) and (d), as then in effect, for purposes of computing the primary insurance amount of an individual to whom subsection (a), as in effect after December 1978, does not apply (including an individual to whom subsection (a) does not apply in any year by reason of paragraph (4) (B) of that subsection (but the

Publication in
Federal Register.

application of this subsection in such cases shall be modified by the application of subdivision (I) in the last sentence of paragraph (4) of that subsection)). For purposes of computing primary insurance amounts and maximum family benefits (other than primary insurance amounts and maximum family benefits for individuals to whom such paragraph (4)(B) applies), the Secretary shall publish in the Federal Register revisions of the table of benefits contained in subsection (a), as in effect in December 1978, as required by paragraph (2)(D) of this subsection as then in effect.”.

MAXIMUM BENEFITS

42 USC 403.

SEC. 202. The text of section 203(a) of the Social Security Act is amended to read as follows:

Ante, p. 1514.

Ante, p. 1519.

Post, pp. 1544,
1547.

Ante, p. 1521.

“(a)(1) In the case of an individual whose primary insurance amount has been computed or recomputed under section 215(a) (1) or (4), or section 215(d), as in effect after December 1978, the total monthly benefits to which beneficiaries may be entitled under section 202 or 223 for a month on the basis of the wages and self-employment income of such individual shall, except as provided by paragraph (3) (but prior to any increases resulting from the application of paragraph (2)(A)(ii)(III) of section 215(i)), be reduced as necessary so as not to exceed—

“(A) 150 percent of such individual’s primary insurance amount to the extent that it does not exceed the amount established with respect to this subparagraph by paragraph (2),

“(B) 272 percent of such individual’s primary insurance amount to the extent that it exceeds the amount established with respect to subparagraph (A) but does not exceed the amount established with respect to this subparagraph by paragraph (2),

“(C) 134 percent of such individual’s primary insurance amount to the extent that it exceeds the amount established with respect to subparagraph (B) but does not exceed the amount established with respect to this subparagraph by paragraph (2), and

“(D) 175 percent of such individual’s primary insurance amount to the extent that it exceeds the amount established with respect to subparagraph (C).

Any such amount that is not a multiple of \$0.10 shall be increased to the next higher multiple of \$0.10.

“(2)(A) For individuals who initially become eligible for old-age or disability insurance benefits, or who die (before becoming so eligible for such benefits), in the calendar year 1979, the amounts established with respect to subparagraphs (A), (B), and (C) of paragraph (1) shall be \$230, \$332, and \$433, respectively.

“(B) For individuals who initially become eligible for old-age or disability insurance benefits, or who die (before becoming so eligible for such benefits), in any calendar year after 1979, each of the amounts so established shall equal the product of the corresponding amount established for the calendar year 1979 by subparagraph (A) of this paragraph and the quotient obtained under subparagraph (B) (ii) of section 215(a)(1), with such product being rounded in the manner prescribed by section 215(a)(1)(B)(iii).

Ante, p. 1514.

Publication in
Federal Register.
Ante, p. 1523.

“(C) In each calendar year after 1978 the Secretary shall publish in the Federal Register, on or before November 1, the formula which (except as provided in section 215(i)(2)(D)) is to be applicable under this paragraph to individuals who become eligible for old-age or dis-

ability insurance benefits, or who die (before becoming eligible for such benefits), in the following calendar year.

“(D) A year shall not be counted as the year of an individual’s death or eligibility for purposes of this paragraph or paragraph (7) in any case where such individual was entitled to a disability insurance benefit for any of the 12 months immediately preceding the month of such death or eligibility (but there shall be counted instead the year of the individual’s eligibility for the disability insurance benefits to which he was entitled during such 12 months).

“(3) (A) When an individual who is entitled to benefits on the basis of the wages and self-employment income of any insured individual and to whom this subsection applies would (but for the provisions of section 202(k)(2)(A)) be entitled to child’s insurance benefits for a month on the basis of the wages and self-employment income of one or more other insured individuals, the total monthly benefits to which all beneficiaries are entitled on the bases of such wages and self-employment income shall not be reduced under this subsection to less than the smaller of—

42 USC 402.

“(i) the sum of the maximum amounts of benefits payable on the basis of the wages and self-employment income of all such insured individuals, or

“(ii) an amount equal to the product of 1.75 and the primary insurance amount that would be computed under section 215(a)(1) for that month with respect to average indexed monthly earnings equal to one-twelfth of the contribution and benefit base determined for that year under section 230.

Ante, p. 1514.

“(B) When two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for January 1971 or any prior month on the basis of the wages and self-employment income of such insured individual and the provisions of this subsection as in effect for any such month were applicable in determining the benefit amount of any persons on the basis of such wages and self-employment income, the total of benefits for any month after January 1971 shall not be reduced to less than the largest of—

Ante, p. 1513,

Post, p. 1554.

Post, p. 1542.

42 USC 423.

“(i) the amount determined under this subsection without regard to this subparagraph,

“(ii) the largest amount which has been determined for any month under this subsection for persons entitled to monthly benefits on the basis of such insured individual’s wages and self-employment income, or

“(iii) if any persons are entitled to benefits on the basis of such wages and self-employment income for the month before the effective month (after September 1972) of a general benefit increase under this title (as defined in section 215(i)(3)) or a benefit increase under the provisions of section 215(i), an amount equal to the sum of amounts derived by multiplying the benefit amount determined under this title (excluding any part thereof determined under section 202(w)) for the month before such effective month (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), for each such person for such month, by a percentage equal to the percentage of the increase provided under such benefit increase (with any such increased amount which is not a multiple of \$0.10 being rounded to the next higher multiple of \$0.10);

42 USC 415.

Ante, pp. 1514, 1521.

Post, pp. 1527, 1529.

42 USC 422.

Post, p. 1541.

42 USC 402.

but in any such case (I) subparagraph (A) of this paragraph shall not be applied to such total of benefits after the application of clause (ii) or (iii), and (II) if section 202(k)(2)(A) was applicable in the case of any such benefits for a month, and ceases to apply for a month after such month, the provisions of clause (ii) or (iii) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though subparagraph (A) of this paragraph had not been applicable to such total of benefits for the last month for which clause (ii) or (iii) was applicable.

“(C) When any of such individuals is entitled to monthly benefits as a divorced spouse under section 202 (b) or (c) or as a surviving divorced spouse under section 202 (e) or (f) for any month, the benefit to which he or she is entitled on the basis of the wages and self-employment income of such insured individual for such month shall be determined without regard to this subsection, and the benefits of all other individuals who are entitled for such month to monthly benefits under section 202 on the wages and self-employment income of such insured individual shall be determined as if no such divorced spouse or surviving divorced spouse were entitled to benefits for such month.

42 USC 422.

“(4) In any case in which benefits are reduced pursuant to the preceding provisions of this subsection, the reduction shall be made after any deductions under this section and after any deductions under section 222(b). Whenever a reduction is made under this subsection in the total of monthly benefits to which individuals are entitled for any month on the basis of the wages and self-employment income of an insured individual, each such benefit other than the old-age or disability insurance benefit shall be proportionately decreased.

“(5) Notwithstanding any other provision of law, when—

“(A) two or more persons are entitled to monthly benefits for a particular month on the basis of the wages and self-employment income of an insured individual and (for such particular month) the provisions of this subsection are applicable to such monthly benefits, and

“(B) such individual's primary insurance amount is increased for the following month under any provision of this title, then the total of monthly benefits for all persons on the basis of such wages and self-employment income for such particular month, as determined under the provisions of this subsection, shall for purposes of determining the total monthly benefits for all persons on the basis of such wages and self-employment income for months subsequent to such particular month be considered to have been increased by the smallest amount that would have been required in order to assure that the total of monthly benefits payable on the basis of such wages and self-employment income for any such subsequent month will not be less (after the application of the other provisions of this subsection and section 202(q)) than the total of monthly benefits (after the application of the other provisions of this subsection and section 202 (q)) payable on the basis of such wages and self-employment income for such particular month.

Post, p. 1541.*Ante*, pp. 1514, 1519.

“(6) In the case of any individual who is entitled for any month to benefits based upon the primary insurance amounts of two or more insured individuals, one or more of which primary insurance amounts were determined under section 215(a) or 215(d) as in effect (without regard to the table contained therein) prior to January 1979 and one or more of which primary insurance amounts were determined under

section 215(a) (1) or (4), or section 215(d), as in effect after December 1978, the total benefits payable to that individual and all other individuals entitled to benefits for that month based upon those primary insurance amounts shall be reduced to an amount equal to the product of 1.75 and the primary insurance amount that would be computed under section 215(a) (1) for that month with respect to average indexed monthly earnings equal to one-twelfth of the contribution and benefits base determined under section 230 for the year in which that month occurs.

Ante, pp. 1514, 1520.

Ante, p. 1513,
Post, p. 1554.

“(7) Subject to paragraph (6), this subsection as in effect in December 1978 shall remain in effect with respect to a primary insurance amount computed under section 215 (a) or (d), as in effect (without regard to the table contained therein) in December 1978, except that a primary insurance amount so computed with respect to an individual who first becomes eligible for an old-age or disability insurance benefit, or dies (before becoming eligible for such a benefit), after December 1978, shall instead be governed by this section as in effect after December 1978.”

INCREASE IN OLD-AGE BENEFIT AMOUNTS FOR DELAYED RETIREMENT

SEC. 203. Section 202(w) (1) of Social Security Act is amended— 42 USC 402.

(1) by striking out “If the first month” and all that follows down through “to such individual” in the matter preceding subparagraph (A) and inserting in lieu thereof “The amount of an old-age insurance benefit (other than a benefit based on a primary insurance amount determined under section 215(a) (3)) which is payable without regard to this subsection to an individual”; and

Ante, p. 1514.

(2) by inserting after “such amount,” in subparagraph (A) the following: “or, in the case of an individual who first becomes eligible for an old-age insurance benefit after December 1978, one-quarter of 1 percent of such amount.”

WIDOW'S AND WIDOWER'S INSURANCE BENEFITS IN CASES OF DELAYED RETIREMENT

SEC. 204. (a) Section 202(e) (2) (A) of the Social Security Act is amended (1) by inserting “(as determined after application of the following sentence)” after “primary insurance amount”, and (2) by adding at the end thereof the following new sentence: “If such deceased individual was (or upon application would have been) entitled to an old-age insurance benefit which was increased (or subject to being increased) on account of delayed retirement under the provisions of subsection (w), then, for purposes of this subsection, such individual's primary insurance amount, if less than the old-age insurance benefit (increased, where applicable, under section 215(f) (5) or (6) and under section 215(i) as if such individual were still alive in the case of an individual who has died) which he was receiving (or would upon application have received) for the month prior to the month in which he died, shall be deemed to be equal to such old-age insurance benefit, and (notwithstanding the provisions of paragraph (3) of such subsection (w) the number of increment months shall include any month in the months of the calendar year in which he died, prior to the month in which he died, which satisfy the conditions in paragraph (2) of such subsection (w)).”

Post, p. 1545.

Supra.

42 USC 415.
Ante, pp. 1514, 1521.

42 USC 402.
42 USC 415.

(b) Section 202(e) (2) (B) (i) of such Act is amended by inserting "and section 215(f) (5) or (6) were applied, where applicable," after "living".

Post, pp. 1546,
1547.
42 USC 402.

(c) Section 202(f) (3) (A) of such Act is amended (1) by inserting "(as determined after application of the following sentence)" after "primary insurance amount", and (2) by adding at the end thereof the following new sentence: "If such deceased individual was (or upon application would have been) entitled to an old-age insurance benefit which was increased (or subject to being increased) on account of delayed retirement under the provisions of subsection (w), then, for purposes of this subsection, such individual's primary insurance amount, if less than the old-age insurance benefit (increased, where applicable, under section 215(f) (5) or (6) and under section 215(i) as if such individual were still alive in the case of an individual who has died) which she was receiving (or would upon application have received) for the month prior to the month in which she died, shall be deemed to be equal to such old-age insurance benefit, and (notwithstanding the provisions of paragraph (3) of such subsection (w)) the number of increment months shall include any month in the months of the calendar year in which she died, prior to the month in which she died, which satisfy the conditions in paragraph (2) of such subsection (w)."

42 USC 415.
Ante, pp. 1514,
1521.

42 USC 402.

(d) Section 202 (f) (3) (B) (i) of such Act is amended by inserting "and section 215(f) (5) or (6) were applied, where applicable," after "living".

Ante, p. 1524.

(e) Section 203(a) of such Act (as amended by section 202 of this Act) is further amended by adding at the end thereof the following new paragraph:

"(8) When—

Post, p. 1542.

"(A) one or more persons were entitled (without the application of section 202(j) (1)) to monthly benefits under section 202 for May 1978 on the basis of the wages and self-employment income of an individual,

"(B) the benefit of at least one such person for June 1978 is increased by reason of the amendments made by section 204 of the Social Security Amendments of 1977; and

42 USC 402.

"(C) the total amount of benefits to which all such persons are entitled under such section 202 are reduced under the provisions of this subsection (or would be so reduced except for the first sentence of section 203(a) (4)),

Ante, p. 1526.

then the amount of the benefit to which each such person is entitled for months after May 1978 shall be increased (after such reductions are made under this subsection) to the amount such benefits would have been if the benefit of the person or persons referred to in subparagraph (B) had not been so increased."

Supra.

CONFORMING AMENDMENTS

42 USC 402.

SEC. 205. (a) Section 202(m) (1) of the Social Security Act is amended to read as follows:

Ante, pp. 1514,
1520.

"(1) In any case in which an individual is entitled to a monthly benefit under this section on the basis of a primary insurance amount computed under section 215 (a) or (d), as in effect after December 1978, on the basis of the wages and self-employment income of a deceased individual for any month and no other person is (without

the application of subsection (j)(1)) entitled to a monthly benefit under this section for that month on the basis of such wages and self-employment income, the individual's benefit amount for that month, prior to reduction under subsection (k)(3), shall not be less than that provided by subparagraph (C)(i)(I) of section 215(a)(1) and increased under section 215(i) for months after May of the year in which the insured individual died as though such benefit were a primary insurance amount."

Post, p. 1542.

(b) Section 202(w) of such Act (as amended by section 203 of this Act) is further amended—

Ante, p. 1527.

(1) by inserting after "section 215(a)(3)" in paragraph (1) (in the matter preceding subparagraph (A)) the following: "as in effect in December 1978 or section 215(a)(1)(C)(i)(II) as in effect thereafter";

Ante, p. 1514.

(2) by inserting "as in effect in December 1978, or section 215(a)(1)(C)(i)(II) as in effect thereafter," after "paragraph (3) of section 215(a)" in paragraph (5); and

(3) by inserting "(whether before, in, or after December 1978)" after "determined under section 215(a)" in paragraph (5).

(c) Section 217 (b)(1) of such Act is amended by inserting "as in effect in December 1978" after "section 215(c)" each place it appears, and after "section 215(d)".

42 USC 417.

(d) Section 224(a) of such Act is amended by inserting "(determined under section 215(b) as in effect prior to January 1979)" after "(A) the average monthly wage" in the sentence immediately following paragraph (8).

Post, p. 1553.

42 USC 424a.

(e) Section 1839(c)(3)(B) of such Act is amended to read as follows:

42 USC 1395r.

"(B) the monthly premium rate most recently promulgated by the Secretary under this paragraph, increased by a percentage determined as follows: The Secretary shall ascertain the primary insurance amount computed under section 215(a)(1), based upon average indexed monthly earnings of \$900, that applied to individuals who became eligible for and entitled to old-age insurance benefits on May 1 of the year of the promulgation. He shall increase the monthly premium rate by the same percentage by which that primary insurance amount is increased when, by reason of the law in effect at the time the promulgation is made, it is so computed to apply to those individuals on the following May 1."

EFFECTIVE DATE

SEC. 206. The amendments made by the provisions of this title other than sections 201(d), 204, and 205(a) shall be effective with respect to monthly benefits under title II of the Social Security Act payable for months after December 1978 and with respect to lump-sum death payments with respect to deaths occurring after such month. The amendments made by section 201(d) shall be effective with respect to monthly benefits of an individual who becomes eligible for an old-age or disability insurance benefit, or dies, after December 1977. The amendments made by section 204 shall be effective with respect to monthly benefits for months after May 1978. The amendment made by section 205(a) shall be effective with respect to monthly benefits payable for months after December 1978 based on the wages and self-employment income of individuals who die after December 1978.

42 USC 402 note.

42 USC 401.

TITLE III—OTHER CHANGES IN PROVISIONS RELATING TO THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM

PART A—CHANGES IN EARNINGS TEST

LIBERALIZATION OF EARNINGS TEST FOR INDIVIDUALS AGE 65 AND OVER

42 USC 403.

SEC. 301. (a) Section 203(f)(8)(A) of the Social Security Act is amended by striking out “a new exempt amount which shall be effective (unless such new exempt amount is prevented from becoming effective by subparagraph (C) of this paragraph) with respect to any individual’s taxable year which ends after the calendar year” and inserting in lieu thereof “the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable (unless prevented from becoming effective by subparagraph (C)) with respect to taxable years ending in (or with the close of) the calendar year after the calendar year”.

(b)(1) Section 203(f)(8)(B) of such Act is amended by striking out “The exempt amount for each month of a particular taxable year shall be” in the matter preceding clause (i) and inserting in lieu thereof “Except as otherwise provided in subparagraph (D), the exempt amount which is applicable to individuals described in such subparagraph and the exempt amount which is applicable to other individuals, for each month of a particular taxable year, shall each be”.

Post, p. 1552.

(2) Section 203(f)(8)(B)(i) of such Act is amended by striking out “the exempt amount” and inserting in lieu thereof “the corresponding exempt amount”.

(3) The last sentence of section 203(f)(8)(B) of such Act is amended by striking out “the exempt amount” and inserting in lieu thereof “an exempt amount”.

(c)(1) Section 203(f)(8) of such Act is further amended by adding at the end thereof the following new subparagraph:

“(D) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to an individual who has attained age 65 before the close of the taxable year involved—

“(i) shall be \$333.33 $\frac{1}{3}$ for each month of any taxable year ending after 1977 and before 1979,

“(ii) shall be \$375 for each month of any taxable year ending after 1978 and before 1980,

“(iii) shall be \$416.66 $\frac{2}{3}$ for each month of any taxable year ending after 1979 and before 1981,

“(iv) shall be \$458.33 $\frac{1}{3}$ for each month of any taxable year ending after 1980 and before 1982, and

“(v) shall be \$500 for each month of any taxable year ending after 1981 and before 1983.”.

42 USC 403 note.

(2) No notification with respect to an increased exempt amount for individuals described in section 203(f)(8)(D) of the Social Security Act (as added by paragraph (1) of this subsection) shall be required under the last sentence of section 203(f)(8)(B) of such Act in 1977, 1978, 1979, 1980, or 1981; and section 203(f)(8)(C) of such Act shall not prevent the new exempt amount determined and published under section 203(f)(8)(A) in 1977 from becoming effective to the extent that such new exempt amount applies to individuals other than those described in section 203(f)(8)(D) of such Act (as so added).

Supra.

(d) Subsections (f)(1), (f)(3), (f)(4)(B), and (h)(1)(A) of section 203 of such Act are each amended by striking out “\$200 or the

exempt amount” and inserting in lieu thereof “the applicable exempt amount”.

(e) The amendments made by this section shall apply with respect to taxable years ending after December 1977.

Effective date.
42 USC 403 note.

REPEAL OF EARNINGS LIMITATION FOR INDIVIDUALS AGE 70 AND OVER

SEC. 302. (a) Subsections (c) (1), (d) (1), (f) (1) (B), and (j) of section 203 of the Social Security Act are each amended by striking out “seventy-two” and inserting in lieu thereof “seventy”.

42 USC 403.

(b) Subsection (f) (3) of section 203 of such Act is amended by striking out “age 72” and inserting in lieu thereof “age 70”.

(c) Subsection (h) (1) (A) of section 203 of such Act is amended by striking out “the age of 72” and “age 72” and inserting in lieu thereof in each instance “age 70”.

(d) The heading of subsection (j) of section 203 of such Act is amended by striking out “Seventy-two” and inserting in lieu thereof “Seventy”.

(e) The amendments made by this section shall apply only with respect to taxable years ending after December 31, 1981.

Effective date.
42 USC 403 note.

ELIMINATION OF MONTHLY EARNINGS TEST

SEC. 303. (a) Clause (E) of the last sentence of section 203(f) (1) of the Social Security Act (as amended by section 301(d) of this Act) is further amended by inserting before the period at the end thereof the following: “, if such month is in the taxable year in which occurs the first month that is both (i) a month for which the individual is entitled to benefits under subsection (a), (b), (c), (d), (e), (f), (g), or (h) of section 202 (without having been entitled for the preceding month to a benefit under any other of such subsections), and (ii) a month in which the individual did not engage in self-employment and did not render services for wages (determined as provided in paragraph (5)) of more than the applicable exempt amount as determined under paragraph (8)”.

Ante, p. 1530.

42 USC 402.

(b) The amendment made by subsection (a) shall apply only with respect to monthly benefits payable for months after December 1977.

Effective date.
42 USC 403 note.

PART B—COVERAGE

STUDY OF UNIVERSAL COVERAGE

SEC. 311. (a) The Secretary of Health, Education, and Welfare is directed to undertake, as soon as possible after the date of the enactment of this Act, a thorough study with respect to the extent of the coverage under the old-age, survivors, and disability insurance programs and under the programs established by title XVIII of the Social Security Act. The study shall examine the feasibility and desirability of covering, under such social security programs, Federal employees, State and local governmental employees, and employees of non-profit organizations who are not now covered. The study shall include alternative methods of accomplishing such coverage together with any appropriate alternatives to extending coverage to such employees.

42 USC 902 note.

(b) With respect to each major alternative method or proposal included in the study described in subsection (a), such study shall also include an analysis of the changes which would be required in the programs established by the Social Security Act and in any other systems or programs (such as retirement, survivorship, disability, and health

42 USC 1395.

42 USC 1305.

programs) affecting the individuals who would be covered under such social security programs under such alternative method or proposal. Such analysis shall include the structural changes required in such programs, the financial impact of such changes, and the effect of such changes on the benefit rights and contribution liabilities of the affected individuals.

Consultation.

(c) In conducting the study required by subsection (a), the Secretary of Health, Education, and Welfare shall consult, as appropriate, with the Secretary of the Treasury, the Director of the Office of Management and Budget, and the Chairman of Civil Service Commission, and those officials shall provide him with such information and assistance as he may require. The Secretary shall also solicit the views of other appropriate officials and organizations.

Report to
President and
Congress.
Legislative
recommen-
dations.

(d) The Secretary of Health, Education, and Welfare shall submit to the President and the Congress, not later than 2 years after the date of the enactment of this Act, a report of the findings of the study required by subsection (a) together with his recommendations for any appropriate legislative changes.

COVERAGE OF NONPROFIT ORGANIZATIONS WHICH FAILED TO FILE WAIVER CERTIFICATES

26 USC 3121.

SEC. 312. (a) (1) Section 3121 (k) (5) of the Internal Revenue Code of 1954 (relating to constructive filing of certificate where refund or credit has been made and new certificate is not filed) is amended—

(A) by striking out “prior to the expiration of 180 days after the date of the enactment of this paragraph,” in subparagraph (B) and inserting in lieu thereof “prior to April 1, 1978,”; and

(B) by striking out “the 181st day after the date of the enactment of this paragraph,” and “such 181st day” in the matter following subparagraph (B) and inserting in lieu thereof in each instance “April 1, 1978,”.

(2) Section 3121 (k) (7) of such Code (relating to payment of both employee and employer taxes for retroactive period by organization in cases of constructive filing) is amended—

(A) by striking out “prior to the expiration of 180 days after the date of the enactment of this paragraph” and inserting in lieu thereof “prior to April 1, 1978,”;

(B) by striking out “the 181st day after such date,” and inserting in lieu thereof “April 1, 1978,”; and

(C) by striking out “prior to the first day of the calendar quarter in which such 181st day occurs” and inserting in lieu thereof “prior to that date”.

(3) Section 3121 (k) (8) of such Code (relating to extended period for payment of taxes for retroactive coverage) is amended—

(A) by striking out “by the end of the 180-day period following the date of the enactment of this paragraph” and inserting in lieu thereof “prior to April 1, 1978,”;

(B) by striking out “within that period” and inserting in lieu thereof “prior to April 1, 1978,”; and

(C) by striking out “on the 181st day following that date” and inserting in lieu thereof “on that date”.

(b) (1) Section 3121 (k) (4) of such Code (relating to constructive filing of certificate where no refund or credit of taxes has been made) is amended by adding at the end thereof the following new subparagraph:

“(C) In the case of any organization which is deemed under this paragraph to have filed a valid waiver certificate under paragraph (1), if—

Waiver
certificate, filing.

“(i) the period with respect to which the taxes imposed by sections 3101 and 3111 were paid by such organization (as described in subparagraph (A)(ii)) terminated prior to October 1, 1976, or

Ante, p. 1510,
Post, p. 1540.
Ante, p. 1512,
Post, pp. 1537,
1540.

“(ii) the taxes imposed by sections 3101 and 3111 were not paid during the period referred to in clause (i) (whether such period has terminated or not) with respect to remuneration paid by such organization to individuals who became its employees after the close of the calendar quarter in which such period began,
taxes under sections 3101 and 3111—

“(iii) in the case of an organization which meets the requirements of this subparagraph by reason of clause (i), with respect to remuneration paid by such organization after the termination of the period referred to in clause (i) and prior to July 1, 1977; or

“(iv) in the case of an organization which meets the requirements of this subparagraph by reason of clause (ii), with respect to remuneration paid prior to July 1, 1977, to individuals who became its employees after the close of the calendar quarter in which the period referred to in clause (i) began,

which remain unpaid on the date of the enactment of this subparagraph, or which were paid after October 19, 1976, but prior to the date of the enactment of this subparagraph, shall not be due or payable (or, if paid, shall be refunded); and the certificate which such organization is deemed under this paragraph to have filed shall not apply to any service with respect to the remuneration for which the taxes imposed by sections 3101 and 3111 (which remain unpaid on the date of the enactment of this subparagraph, or were paid after October 19, 1976, but prior to the date of the enactment of this subparagraph) are not due and payable (or are refunded) by reason of the preceding provisions of this subparagraph. In applying this subparagraph for purposes of title II of the Social Security Act, the period during which reports of wages subject to the taxes imposed by sections 3101 and 3111 were made by any organization may be conclusively treated as the period (described in subparagraph (A)(ii)) during which the taxes imposed by such sections were paid by such organization.”

42 USC 401.

(2) Section 3121(k)(4)(A) of such Code is amended by inserting “(subject to subparagraph (C))” after “effective” in the matter following clause (ii).

26 USC 3121.

(3) Section 3121(k)(6) of such Code (relating to application of certain provisions to cases of constructive filing) is amended by inserting “(except as provided in paragraph (4)(C))” after “services involved” in the matter preceding subparagraph (A).

(4) Section 3121(k)(4) of such Code is amended by striking out “date” in subparagraph (B)(ii) and inserting in lieu thereof “first day of the calendar quarter”.

(c) In any case where—

26 USC 3121
note.

(1) an individual performed service, as an employee of an organization which is deemed under section 3121(k)(4) of the

Ante, p. 1533,
Post, p. 1535.
 26 USC 3121.

Internal Revenue Code of 1954 to have filed a waiver certificate under section 3121(k)(1) of such Code, on or after the first day of the applicable period described in subparagraph (A)(ii) of such section 3121(k)(4) and before July 1, 1977; and

Post, p. 1549.
Post, p. 1555.

(2) the service so performed does not constitute employment (as defined in section 210(a) of the Social Security Act and section 3121(b) of such Code) because the waiver certificate which the organization is deemed to have filed is made inapplicable to such service by section 3121(k)(4)(C) of such Code, but would constitute employment (as so defined) in the absence of such section 3121(k)(4)(C),

Ante, p. 1532.

the remuneration paid for such service shall, upon the request of such individual (filed on or before April 15, 1980, in such manner and form, and with such official, as may be prescribed by regulations made under title II of the Social Security Act) accompanied by full payment of all of the taxes which would have been paid under section 3101 of such Code with respect to such remuneration but for such section 3121(k)(4)(C) (or by satisfactory evidence that appropriate arrangements have been made for the payment of such taxes in installments as provided in section 3121(k)(8) of such Code), be deemed to constitute remuneration for employment as so defined. In any case where remuneration paid by an organization to an individual is deemed under the preceding sentence to constitute remuneration for employment, such organization shall be liable (notwithstanding any other provision of such Code) for payment of the taxes which it would have been required to pay under section 3111 of such Code with respect to such remuneration in the absence of such section 3121(k)(4)(C).

42 USC 401.

Ante, p. 1510,
Post, p. 1540.

Infra.

Ante, p. 1511.
Post, pp. 1537,
 1540.
Ante, p. 1532.

(d) Section 3121(k)(8) of the Internal Revenue Code of 1954 (relating to extended period for payment of taxes for retroactive coverage), as amended by subsection (a)(3) of this section, is amended to read as follows:

“(8) EXTENDED PERIOD FOR PAYMENT OF TAXES FOR RETROACTIVE COVERAGE.—Notwithstanding any other provision of this title, in any case where—

“(A) an organization is deemed under paragraph (4) to have filed a valid waiver certificate under paragraph (1), but the applicable period described in paragraph (4)(A)(ii) has terminated and part or all of the taxes imposed by sections 3101 and 3111 with respect to remuneration paid by such organization to its employees after the close of such period remains payable notwithstanding paragraph (4)(C), or

“(B) an organization described in paragraph (5)(A) files a valid waiver certificate under paragraph (1) by March 31, 1978, as described in paragraph (5)(B), or (not having filed such a certificate by that date) is deemed under paragraph (5) to have filed such a certificate on April 1, 1978, or

“(C) an individual files a request under section 3 of Public Law 94-563, or under section 312(c) of the Social Security Amendments of 1977, to have service treated as constituting remuneration for employment (as defined in section 3121(b) and in section 210(a) of the Social Security Act),

the taxes due under sections 3101 and 3111 with respect to services constituting employment by reason of such certificate for any period prior to the first day of the calendar quarter in which the date of such filing or constructive filing occurs, or with respect to service constituting employment by reason of such request, may

Remuneration.
 26 USC 3121
 note.

be paid in installments over an appropriate period of time, as determined under regulations prescribed by the Secretary, rather than in a lump sum.”.

(e) The first sentence of section 3 of Public Law 94-563 (in the matter following paragraph (3)) is amended— 26 USC 3121 note.

(1) by inserting “on or before April 15, 1980,” after “filed”; and

(2) by inserting “(or by satisfactory evidence that appropriate arrangements have been made for the repayment of such taxes in installments as provided in section 3121(k) (8) of such Code)” after “so refunded or credited”. *Ante*, p. 1534.

(f) Section 3121(k) (4) (A) (i) of the Internal Revenue Code of 1954 (relating to constructive filing of certificate where no refund or credit of taxes has been made) is amended by striking out “or any subsequent date” and inserting in lieu thereof “(or, if later, as of the earliest date on which it satisfies clause (ii) of this subparagraph.)”. 26 USC 3121.

(g) Section 3121(k) (4) (B) of such Code (relating to constructive filing of certificate where no refund or credit of taxes has been made) is amended—

(1) by striking out the period at the end of clause (ii) and inserting in lieu thereof “, or”; and

(2) by adding after clause (ii) the following new clause:

“(iii) the organization, prior to the end of the period referred to in clause (ii) of such subparagraph (and, in the case of an organization organized on or before October 9, 1969, prior to October 19, 1976), had applied for a ruling or determination letter acknowledging it to be exempt from income tax under section 501(c) (3), and it subsequently received such ruling or determination letter and did not pay any taxes under sections 3101 and 3111 with respect to any employee with respect to any quarter ending after the twelfth month following the date of mailing of such ruling or determination letter and did not pay any such taxes with respect to any quarter beginning after the later of (I) December 31, 1975 or (II) the date on which such ruling or determination letter was issued.”.

26 USC 501.

Ante, p. 1510,
Post, p. 1540.
Ante, p. 1511,
Post, pp. 1537,
1540.

(h) The amendments made by subsections (a), (b), (d), (e), (f), and (g) of this section shall be effective as though they had been included as a part of the amendments made to section 3121(k) of the Internal Revenue Code of 1954 by the first section of Public Law 94-563 (or, in the case of the amendments made by subsection (e), as a part of section 3 of such Public Law). Effective date. 26 USC 3121 note.

EXCLUSION FROM COVERAGE OF CERTAIN LIMITED PARTNERSHIP INCOME

SEC. 313. (a) Section 211(a) of the Social Security Act is amended— 42 USC 411.

(1) by striking out “and” at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof “; and”; and

(3) by inserting after paragraph (10) the following new paragraph:

“(11) There shall be excluded the distributive share of any item of income or loss of a limited partner, as such, other than guaranteed payments described in section 707(c) of the Internal Revenue Code of 1954 to that partner for services actually rendered to or on behalf of the partnership to the extent that those payments are established to be in the nature of remuneration for those services.”.

26 USC 707.

- 26 USC 1402. (b) Section 1402(a) of the Internal Revenue Code of 1954 (relating to definition of net earnings from self-employment) is amended—
 (1) by striking out “and” at the end of paragraph (10);
 (2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof “; and”; and
 (3) by inserting after paragraph (11) the following new paragraph:
 “(12) there shall be excluded the distributive share of any item of income or loss of a limited partner, as such, other than guaranteed payments described in section 707(c) to that partner for services actually rendered to or on behalf of the partnership to the extent that those payments are established to be in the nature of remuneration for those services.”
- 26 USC 707. (c) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1977.
- Effective date.
 42 USC 411 note.

EMPLOYEES OF MEMBERS OF RELATED GROUPS OF CORPORATIONS

- 26 USC 3121.
 26 USC
 3101-3126.
Post, p. 1555.
Ante, p. 1511,
Post, pp. 1537,
 1540.
- SEC. 314. (a) Section 3121 of the Internal Revenue Code of 1954 (definitions for purposes of the Federal Insurance Contributions Act) is amended by adding at the end thereof the following new subsection:
 “(s) CONCURRENT EMPLOYMENT BY TWO OR MORE EMPLOYERS.—For purposes of sections 3102, 3111, and 3121(a) (1), if two or more related corporations concurrently employ the same individual and compensate such individual through a common paymaster which is one of such corporations, each such corporation shall be considered to have paid as remuneration to such individual only the amounts actually disbursed by it to such individual and shall not be considered to have paid as remuneration to such individual amounts actually disbursed to such individual by another of such corporations.”
- 26 USC 3306. (b) Section 3306 of such Code (relating to definitions in respect of unemployment tax) is amended by adding at the end thereof the following new subsection:
 “(p) CONCURRENT EMPLOYMENT BY TWO OR MORE EMPLOYERS.—For purposes of sections 3301, 3302, and 3306(b) (1), if two or more related corporations concurrently employ the same individual and compensate such individual through a common paymaster which is one of such corporations, each such corporation shall be considered to have paid as remuneration to such individual only the amounts actually disbursed by it to such individual and shall not be considered to have paid as remuneration to such individual amounts actually disbursed to such individual by another of such corporations.”
- 26 USC 3301,
 3302.
 Effective date.
 26 USC 3121
 note.
- (c) The amendments made by this section shall apply with respect to wages paid after December 31, 1978.

TAX ON EMPLOYERS OF INDIVIDUALS WHO RECEIVE INCOME FROM TIPS

- Supra*.
- SEC. 315. (a) Section 3121 of the Internal Revenue Code of 1954 (definitions for purposes of the Federal Insurance Contributions Act) is amended by adding at the end thereof (after the new subsection added by section 314(a) of this Act) the following new subsection:
 “(t) SPECIAL RULE FOR DETERMINING WAGES SUBJECT TO EMPLOYER TAX IN CASE OF CERTAIN EMPLOYERS WHOSE EMPLOYEES RECEIVE INCOME FROM TIPS.—If the wages paid by an employer with respect to the employment during any month of an individual who (for services performed in connection with such employment) receives tips which constitute wages, and to which section 3102(a) applies, are less than the total amount which would be payable (with respect to such
- Post*, p. 1555.

employment) at the minimum wage rate applicable to such individual under section 6(a)(1) of the Fair Labor Standards Act of 1938 (determined without regard to section 3(m) of such Act), the wages so paid shall be deemed for purposes of section 3111 to be equal to such total amount.”

Ante, p. 1245.
29 USC 203.

(b) Section 3111 of such Code is amended by inserting “and (t)” after “3121(a)” in subsections (a) and (b).

Ante, pp. 1511,
1512.

(c) The amendments made by this section shall apply with respect to wages paid with respect to employment performed in months after December 1977.

Effective date.
26 USC 3111
note.

REVOCATION OF EXEMPTION FROM COVERAGE BY CLERGYMEN

SEC. 316. (a) Notwithstanding section 1402(e)(3) of the Internal Revenue Code of 1954, any exemption which has been received under section 1402(e)(1) of such Code by a duly ordained, commissioned, or licensed minister of a church or a Christian Science practitioner, and which is effective for the taxable year in which this Act is enacted, may be revoked by filing an application therefor (in such form and manner, and with such official, as may be prescribed in regulations made under chapter 2 of such Code), if such application is filed—

26 USC 1402
note.
26 USC 1402.

(1) before the applicant becomes entitled to benefits under section 202(a) or 223 of the Social Security Act (without regard to section 202(j)(1) or 223(b) of such Act), and

26 USC 1401.

(2) no later than the due date of the Federal income tax return (including any extension thereof) for the applicant's first taxable year beginning after the date of the enactment of this Act.

42 USC 402,
423.

Post, p. 1542.

Any such revocation shall be effective (for purposes of chapter 2 of the Internal Revenue Code of 1954 and title II of the Social Security Act), as specified in the application, either with respect to the applicant's first taxable year ending on or after the date of the enactment of this Act or with respect to the applicant's first taxable year beginning after such date, and for all succeeding taxable years; and the applicant for any such revocation may not thereafter again file application for an exemption under such section 1402(e)(1). If the application is filed on or after the due date of the applicant's first taxable year ending on or after the date of the enactment of this Act and is effective with respect to that taxable year, it shall include or be accompanied by payment in full of an amount equal to the total of the taxes that would have been imposed by section 1401 of the Internal Revenue Code of 1954 with respect to all of the applicant's income derived in that taxable year which would have constituted net earnings from self-employment for purposes of chapter 2 of such Code (notwithstanding section 1402(c)(4) or (c)(5) of such Code) except for the exemption under section 1402(e)(1) of such Code.

42 USC 401.

26 USC 1401.

(b) Subsection (a) shall apply with respect to service performed (to the extent specified in such subsection) in taxable years ending on or after the date of the enactment of this Act, and with respect to monthly insurance benefits payable under title II of the Social Security Act on the basis of the wages and self-employment income of any individual for months in or after the calendar year in which such individual's application for revocation (as described in such subsection) is filed (and lump-sum death payments payable under such title on the basis of such wages and self-employment income in the case of deaths occurring in or after such calendar year).

42 USC 401.

INTERNATIONAL AGREEMENTS WITH RESPECT TO SOCIAL SECURITY
BENEFITS

SEC. 317. (a) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

“INTERNATIONAL AGREEMENTS

“Purpose of Agreement

42 USC 433.

“SEC. 233. (a) The President is authorized (subject to the succeeding provisions of this section) to enter into agreements establishing totalization arrangements between the social security system established by this title and the social security system of any foreign country, for the purposes of establishing entitlement to and the amount of old-age, survivors, disability, or derivative benefits based on a combination of an individual's periods of coverage under the social security system established by this title and the social security system of such foreign country.

“Definitions

“(b) For the purposes of this section—

“(1) the term ‘social security system’ means, with respect to a foreign country, a social insurance or pension system which is of general application in the country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, death, or disability; and

“(2) the term ‘period of coverage’ means a period of payment of contributions or a period of earnings based on wages for employment or on self-employment income, or any similar period recognized as equivalent thereto under this title or under the social security system of a country which is a party to an agreement entered into under this section.

“Crediting Periods of Coverage; Conditions of Payment of Benefits

“(c) (1) Any agreement establishing a totalization arrangement pursuant to this section shall provide—

Post, pp. 1550,
1552.

“(A) that in the case of an individual who has at least 6 quarters of coverage as defined in section 213 of this Act and periods of coverage under the social security system of a foreign country which is a party to such agreement, periods of coverage of such individual under such social security system of such foreign country may be combined with periods of coverage under this title and otherwise considered for the purposes of establishing entitlement to and the amount of old-age, survivors, and disability insurance benefits under this title;

“(B) (i) that employment or self-employment, or any service which is recognized as equivalent to employment or self-employment under this title or the social security system of a foreign country which is a party to such agreement, shall, on or after the effective date of such agreement, result in a period of coverage under the system established under this title or under the system established under the laws of such foreign country, but not under both, and (ii) the methods and conditions for determining under which system employment, self-employment, or other service shall result in a period of coverage; and

“(C) that where an individual’s periods of coverage are combined, the benefit amount payable under this title shall be based on the proportion of such individual’s periods of coverage which was completed under this title.

“(2) Any such agreement may provide that—

“(A) an individual who is entitled to cash benefits under this title shall, notwithstanding the provisions of section 202(t), receive such benefits while he resides in a foreign country which is a party to such agreement; and 42 USC 402.

“(B) the benefit paid by the United States to an individual who legally resides in the United States shall, if less when added to the benefit paid by such foreign country than the benefit amount which would be payable to an entitled individual based on the first figure in (or deemed to be in) column IV of the table in section 215(a) in the case of an individual becoming eligible for such benefit before January 1, 1979, or based on a primary insurance amount determined under section 215(a)(1)(C)(i)(I) in the case of an individual becoming eligible for such benefit on or after that date, be increased so that the total of the two benefits is equal to the benefit amount which would be so payable. *Ante*, p. 1514.

“(3) Section 226 shall not apply in the case of any individual to whom it would not be applicable but for this section or any agreement or regulation under this section. *Post*, pp. 1543, 1546.

“(4) Any such agreement may contain other provisions which are not inconsistent with the other provisions of this title and which the President deems appropriate to carry out the purposes of this section.

“Regulations

“(d) The Secretary of Health, Education, and Welfare shall make rules and regulations and establish procedures which are reasonable and necessary to implement and administer any agreement which has been entered into in accordance with this section.

“Reports to Congress; Effective Date of Agreements

“(e)(1) Any agreement to establish a totalization arrangement entered into pursuant to this section shall be transmitted by the President to the Congress together with a report on the estimated number of individuals who will be affected by the agreement and the effect of the agreement on the estimated income and expenditures of the programs established by this Act.

“(2) Such an agreement shall become effective on any date, provided in the agreement, which occurs after the expiration of the period (following the date on which the agreement is transmitted in accordance with paragraph (1)) during which each House of the Congress has been in session on each of 90 days; except that such agreement shall not become effective if, during such period, either House of the Congress adopts a resolution of disapproval of the agreement.”.

(b)(1) Section 1401 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection: 26 USC 1401.

“(c) RELIEF FROM TAXES IN CASES COVERED BY CERTAIN INTERNATIONAL AGREEMENTS.—During any period in which there is in effect an agreement entered into pursuant to section 233 of the Social Security Act with any foreign country, the self-employment income of an individual shall be exempt from the taxes imposed by this section to the extent that such self-employment income is subject under such agree- *Ante*, p. 1538.

ment to taxes or contributions for similar purposes under the social security system of such foreign country.”.

26 USC 3101,
3111.

(2) Sections 3101 and 3111 of such Code are each amended by adding at the end thereof the following new subsection:

Ante, p. 1538.

“(c) **RELIEF FROM TAXES IN CASES COVERED BY CERTAIN INTERNATIONAL AGREEMENTS.**—During any period in which there is in effect an agreement entered into pursuant to section 233 of the Social Security Act with any foreign country, wages received by or paid to an individual shall be exempt from the taxes imposed by this section to the extent that such wages are subject under such agreement to taxes or contributions for similar purposes under the social security system of such foreign country.”.

26 USC 6051.

(3) Section 6051(a) of such Code is amended by adding at the end thereof the following new sentence: “The amounts required to be shown by paragraph (5) shall not include wages which are exempted pursuant to sections 3101(c) and 3111(c) from the taxes imposed by sections 3101 and 3111.”.

Supra.

26 USC 1401
note.

(4) Notwithstanding any other provision of law, taxes paid by any individual to any foreign country with respect to any period of employment or self-employment which is covered under the social security system of such foreign country in accordance with the terms of an agreement entered into pursuant to section 233 of the Social Security Act shall not, under the income tax laws of the United States, be deductible by, or creditable against the income tax of, any such individual.

MODIFICATION OF AGREEMENT WITH ILLINOIS TO PROVIDE COVERAGE
FOR CERTAIN POLICEMEN AND FIREMEN

42 USC 418 note.
42 USC 418.

SEC. 318. (a) Notwithstanding the provisions of subsection (d) (5) (A) of section 218 of the Social Security Act and the references thereto in subsections (d) (1) and (d) (3) of such section 218, the agreement with the State of Illinois heretofore entered into pursuant to such section 218 may, at any time prior to January 1, 1979, be modified pursuant to subsection (c) (4) of such section 218 so as to apply to services performed in policemen's or firemen's positions covered by the Illinois Municipal Retirement Fund on the date of the enactment of this Act if the State of Illinois has at any time prior to the date of the enactment of this Act paid to the Secretary of the Treasury, with respect to any of the services performed in such positions, the sums prescribed pursuant to subsection (e) (1) of such section 218. For purposes of this section, a retirement system which covers positions of policemen or firemen shall, if the State of Illinois so desires, be deemed to be a separate retirement system with respect to the positions of such policemen or firemen, as the case may be.

(b) Notwithstanding the provisions of subsection (f) of section 218 of the Social Security Act, any modification in the agreement with the State of Illinois under subsection (a) of this section, to the extent that it involves services performed by a policeman or fireman in positions covered under the Illinois Municipal Retirement Fund, shall be made effective with respect to—

(1) all services performed by policemen or firemen, in positions to which the modification relates, on or after the date of the enactment of this Act; and

(2) all services performed by such individuals in such positions before such date of enactment with respect to which the State of Illinois has paid to the Secretary of the Treasury the sums pre-

scribed pursuant to subsection (e) (1) of such section 218 at the time or times established pursuant to such subsection (e) (1), if and to the extent that— 42 USC 418.

(A) no refund of the sums so paid has been obtained, or

(B) a refund of part or all of the sums so paid has been obtained but the State of Illinois repays to the Secretary of the Treasury the amount of such refund within 90 days after the date that the modification is agreed to by the State and the Secretary of Health, Education, and Welfare.

COVERAGE FOR POLICEMEN AND FIREMEN IN MISSISSIPPI

SEC. 319. Section 218(p) (1) of the Social Security Act is amended by inserting "Mississippi," after "Maryland,". 42 USC 418.

COVERAGE UNDER DIVIDED RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES IN NEW JERSEY

SEC. 320. Section 218(d) (6) (C) of the Social Security Act is amended by inserting "New Jersey," after "Nevada,".

COVERAGE OF SERVICE UNDER WISCONSIN RETIREMENT SYSTEM

SEC. 321. Section 218(m) (1) of the Social Security Act is amended by inserting after "Wisconsin retirement fund" the following: "or any successor system".

PART C—BENEFIT AMOUNTS AND ELIGIBILITY

ACTUARIAL REDUCTION OF BENEFIT INCREASES TO BE APPLIED AS OF TIME OF ORIGINAL ENTITLEMENT

SEC. 331. (a) Section 202(q) (4) of the Social Security Act is amended by striking out all that follows subparagraph (B) and inserting in lieu thereof the following: 42 USC 402.

"then the amount of the reduction of such benefit (after the application of any adjustment under paragraph (7)) for each month beginning with the month of such increase in the primary insurance amount shall be computed under paragraph (1) or (3), whichever applies, as though the increased primary insurance amount had been in effect for and after the month for which the individual first became entitled to such monthly benefit reduced under such paragraph (1) or (3)."

(b) Section 202(q) of such Act is further amended by adding at the end thereof the following new paragraphs:

"(10) For purposes of applying paragraph (4), with respect to monthly benefits payable for any month after December 1977 to an individual who was entitled to a monthly benefit as reduced under paragraph (1) or (3) prior to January 1978, the amount of reduction in such benefit for the first month for which such benefit is increased by reason of an increase in the primary insurance amount of the individual on whose wages and self-employment income such benefit is based and for all subsequent months (and similarly for all subsequent increases) shall be increased by a percentage equal to the percentage increase in such primary insurance amount (such increase being made in accordance with the provisions of paragraph (8)). In the case of an individual whose reduced benefit under this section is increased as a result of the use of an adjusted reduction period or an additional

adjusted reduction period (in accordance with paragraphs (1) and (3) of this subsection), then for the first month for which such increase is effective, and for all subsequent months, the amount of such reduction (after the application of the previous sentence, if applicable) shall be determined—

“(A) in the case of old-age, wife’s, and husband’s insurance benefits, by multiplying such amount by the ratio of (i) the number of months in the adjusted reduction period to (ii) the number of months in the reduction period,

“(B) in the case of widow’s and widower’s insurance benefits for the month in which such individual attains age 62, by multiplying such amount by the ratio of (i) the number of months in the reduction period beginning with age 62 multiplied by $\frac{19}{40}$ of 1 percent, plus the number of months in the adjusted reduction period prior to age 62 multiplied by $\frac{19}{40}$ of 1 percent, plus the number of months in the adjusted additional reduction period multiplied by $\frac{43}{240}$ of 1 percent to (ii) the number of months in the reduction period multiplied by $\frac{19}{40}$ of 1 percent, plus the number of months in the additional reduction period multiplied by $\frac{43}{240}$ of 1 percent, and

“(C) in the case of widow’s and widower’s insurance benefits for the month in which such individual attains age 65, by multiplying such amount by the ratio of (i) the number of months in the adjusted reduction period multiplied by $\frac{19}{40}$ of 1 percent, plus the number of months in the adjusted additional reduction period multiplied by $\frac{43}{240}$ of 1 percent to (ii) the number of months in the reduction period beginning with age 62 multiplied by $\frac{19}{40}$ of 1 percent, plus the number of months in the adjusted reduction period prior to age 62 multiplied by $\frac{19}{40}$ of 1 percent, plus the number of months in the adjusted additional reduction period multiplied by $\frac{43}{240}$ of 1 percent.

such determination being made in accordance with the provisions of paragraph (8).

“(11) When an individual is entitled to more than one monthly benefit under this title and one or more of such benefits are reduced under this subsection, paragraph (10) shall apply separately to each such benefit reduced under this subsection before the application of subsection (k) (pertaining to the method by which monthly benefits are offset when an individual is entitled to more than one kind of benefit) and the application of this paragraph shall operate in conjunction with paragraph (3).”.

42 USC 402.

(c) (1) Section 202(q) (7) (C) of such Act is amended by striking out “because” and all that follows and inserting in lieu thereof “because of the occurrence of an event that terminated her or his entitlement to such benefits.”.

(2) Section 202(q) (3) (H) of such Act is amended by inserting “for that month or” after “first entitled”.

Effective date.

42 USC 402 note.

(d) The amendments made by this section shall be effective with respect to monthly benefits payable for months after December 1977.

LIMITATION ON RETROACTIVE BENEFITS

SEC. 332. (a) (1) The first sentence of section 202(j) (1) of the Social Security Act is amended by striking out “An individual” and inserting in lieu thereof “Subject to the limitations contained in paragraph (4), an individual”.

(2) Section 202(j) of such Act is further amended by adding at the end thereof the following new paragraph: 42 USC 402.

“(4) (A) Except as provided in subparagraph (B), no individual shall be entitled to a monthly benefit under subsection (a), (b), (c), (e), or (f) for any month prior to the month in which he or she files an application for benefits under that subsection if the effect of entitlement to such benefit would be to reduce, pursuant to subsection (q), the amount of the monthly benefit to which such individual would otherwise be entitled for the month in which such application is filed.

“(B) (i) If the individual applying for retroactive benefits is applying for such benefits under subsection (a), and there are one or more other persons who would (except for subparagraph (A)) be entitled for any month, on the basis of the wages and self-employment income of such individual and because of such individual's entitlement to such retroactive benefits, to retroactive benefits under subsection (b), (c), or (d) not subject to reduction under subsection (q), then subparagraph (A) shall not apply with respect to such month or any subsequent month.

“(ii) If the individual applying for retroactive benefits is a widow, surviving divorced wife, or widower and is under a disability (as defined in section 223(d)), and such individual would, except for subparagraph (A), be entitled to retroactive benefits as a disabled widow or widower or disabled surviving divorced wife for any month before attaining the age of 60, then subparagraph (A) shall not apply with respect to such month or any subsequent month. 42 USC 423.

“(iii) If the individual applying for retroactive benefits has excess earnings (as defined in section 203(f)) in the year in which he or she files an application for such benefits which could, except for subparagraph (A), be charged to months in such year prior to the month of application, then subparagraph (A) shall not apply to so many of such months immediately preceding the month of application as are required to charge such excess earnings to the maximum extent possible. 42 USC 403.

“(iv) As used in this subparagraph, the term ‘retroactive benefits’ means benefits to which an individual becomes entitled for a month prior to the month in which application for such benefits is filed.” “Retroactive benefits.”

(3) Section 226(h) of such Act is amended by adding at the end thereof the following new paragraph: 42 USC 426.

“(4) For purposes of determining entitlement to hospital insurance benefits under subsection (b) in the case of an individual described in clause (iii) of subsection (b)(2)(A), the entitlement of such individual to widow's or widower's insurance benefits under section 202 (e) or (f) by reason of a disability shall be deemed to be the entitlement to such benefits that would result if such entitlement were determined without regard to the provisions of section 202(j)(4).” 42 USC 402.

(b) The amendments made by subsection (a) shall be effective with respect to monthly insurance benefits under title II of the Social Security Act to which an individual becomes entitled on the basis of an application filed on or after January 1, 1978. Effective date. 42 USC 402 note. 42 USC 401.

DELIVERY OF BENEFIT CHECKS

SEC. 333. (a) Title VII of the Social Security Act is amended by adding at the end thereof the following new section:

“DELIVERY OF BENEFIT CHECKS

42 USC 909.
42 USC 401,
1381.

“SEC. 708. (a) If the day regularly designated for the delivery of benefit checks under title II or title XVI falls on a Saturday, Sunday, or legal public holiday (as defined in section 6103 of title 5, United States Code) in any month, the benefit checks which would otherwise be delivered on such day shall be mailed for delivery on the first day preceding such day which is not a Saturday, Sunday, or legal public holiday (as so defined), without regard to whether the delivery of such checks would as a result have to be made before the end of the month for which such checks are issued.

42 USC 404,
1383.

“(b) If more than the correct amount of payment under title II or XVI is made to any individual as a result of the receipt of a benefit check pursuant to subsection (a) before the end of the month for which such check is issued, no action shall be taken (under section 204 or 1631(b) or otherwise) to recover such payment or the incorrect portion thereof.”.

Effective date.
42 USC 909 note.

(b) The amendment made by subsection (a) of this section shall apply with respect to benefit checks the regularly designated day for delivery of which occurs on or after the thirtieth day after the date of the enactment of this Act.

REDUCED BENEFITS FOR SPOUSES RECEIVING GOVERNMENT PENSIONS

42 USC 402.

SEC. 334. (a) (1) Section 202(b) (2) of the Social Security Act is amended by inserting after “subsection (q)” the following: “and paragraph (4) of this subsection”.

(2) Section 202(b) of such Act is further amended by adding at the end thereof the following new paragraph:

42 USC 418.

“(4) (A) The amount of a wife’s insurance benefit for each month as determined after application of the provisions of subsections (q) and (k) shall be reduced (but not below zero) by an amount equal to the amount of any monthly periodic benefit payable to such wife (or divorced wife) for such month which is based upon her earnings while in the service of the Federal Government or any State (or political subdivision thereof, as defined in section 218(b) (2)) if, on the last day she was employed by such entity, such service did not constitute ‘employment’ as defined in section 210.

42 USC 410.

“(B) For purposes of this paragraph, any periodic benefit which otherwise meets the requirements of subparagraph (A), but which is paid on other than a monthly basis, shall be allocated on a basis equivalent to a monthly benefit (as determined by the Secretary) and such equivalent monthly benefit shall constitute a monthly periodic benefit for purposes of subparagraph (A). For purposes of this subparagraph, the term ‘periodic benefit’ includes a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments.”.

“Periodic
benefit.”

42 USC 402.

(b) (1) Section 202(c) (1) of such Act is amended—

(A) by striking out subparagraph (C);

(B) by adding “and” at the end of subparagraph (B); and

(C) by redesignating subparagraph (D) as subparagraph (C).

(2) Section 202(c) (2) of such Act is amended to read as follows:

“(2) (A) The amount of a husband’s insurance benefit for each month as determined after application of the provisions of subsections (q) and (k) shall be reduced (but not below zero) by an amount equal to the amount of any monthly periodic benefit payable to such husband for such month which is based upon his earnings while in the service of the Federal Government or any State (or political sub-

division thereof, as defined in section 218(b)(2)) if, on the last day he was employed by such entity, such service did not constitute 'employment' as defined in section 210. 42 USC 418.

"(B) For purposes of this paragraph, any periodic benefit which otherwise meets the requirements of subparagraph (A), but which is paid on other than a monthly basis, shall be allocated on a basis equivalent to a monthly benefit (as determined by the Secretary) and such equivalent monthly benefit shall constitute a monthly periodic benefit for purposes of subparagraph (A). For purposes of this subparagraph, the term 'periodic benefit' includes a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments."

Post, p. 1549.

"Periodic benefit."

(3) Section 202(c)(3) of such Act is amended by inserting after "subsection (q)" the following: "and paragraph (2) of this subsection". 42 USC 402.

(c)(1) Section 202(e)(2)(A) of such Act (as amended by section 204(a) of this Act) is amended by striking out "paragraph (4)" in the first sentence and inserting in lieu thereof "paragraphs (4) and (8)".

(2) Section 202(e) of such Act is further amended by adding at the end thereof the following new paragraph:

"(8)(A) The amount of a widow's insurance benefit for each month as determined (after application of the provisions of subsections (q) and (k), paragraph (2)(B), and paragraph (4)) shall be reduced (but not below zero) by an amount equal to the amount of any monthly periodic benefit payable to such widow (or surviving divorced wife) for such month which is based upon her earnings while in the service of the Federal Government or any State (or any political subdivision thereof, as defined in section 218(b)(2)) if, on the last day she was employed by such entity, such service did not constitute 'employment' as defined in section 210.

"(B) For purposes of this paragraph, any periodic benefit which otherwise meets the requirements of subparagraph (A), but which is paid on other than a monthly basis, shall be allocated on a basis equivalent to a monthly benefit (as determined by the Secretary) and such equivalent monthly benefit shall constitute a monthly periodic benefit for purposes of subparagraph (A). For purposes of this subparagraph, the term 'periodic benefit' includes a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments."

"Periodic benefit."

(d)(1) Section 202(f)(1) of such Act is amended—

(A) by striking out subparagraph (D); and

(B) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

(2) Section 202(f)(2) of such Act is amended to read as follows:

"(2)(A) The amount of a widower's insurance benefit for each month (as determined after application of the provisions of subsections (k) and (q), paragraph (3)(B), and paragraph (5)) shall be reduced (but not below zero) by an amount equal to the amount of any monthly periodic benefit payable to such widower for such month which is based upon his earnings while in the service of the Federal Government or any State (or any political subdivision thereof, as defined in section 218(b)(2)) if, on the last day he was employed by such entity, such service did not constitute 'employment' as defined in section 210.

42 USC 402.

"(B) For purposes of this paragraph, any periodic benefit which otherwise meets the requirements of subparagraph (A), but which is paid on other than a monthly basis, shall be allocated on a basis equivalent to a monthly benefit (as determined by the Secretary) and such

- equivalent monthly benefit shall constitute a monthly periodic benefit for purposes of subparagraph (A). For purposes of this subparagraph, the term 'periodic benefit' includes a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments."
- Ante*, p. 1528. (3) Section 202(f)(3)(A) of such Act (as amended by section 204(c) of this Act) is amended by striking out "paragraph (5)" in the first sentence and inserting in lieu thereof "paragraphs (2) and (5)".
- (4) (A) Section 202(f)(7) of such Act is amended by striking out "paragraph (1)(G)" and inserting in lieu thereof "paragraph (1)(F)".
- 42 USC 426. (B) Section 226(h)(1)(B) of such Act is amended by striking out "subparagraph (G) of section 202(f)(1)" and inserting in lieu thereof "subparagraph (F) of section 202(f)(1)".
- (5) Section 202(p)(1) of such Act is amended by striking out "subparagraph (C) of subsection (c)(1), clause (i) or (ii) of subparagraph (D) of subsection (f)(1), or".
- (6) Section 202(s)(3) of such Act is amended by striking out "Subsections" and all that follows down through "so much" and inserting in lieu thereof "So much".
- (e)(1) Section 202(g)(2) of such Act is amended by striking out "Such" and inserting in lieu thereof "Except as provided in paragraph (4) of this subsection, such".
- (2) Section 202(g) of such Act is further amended by adding at the end thereof the following new paragraph:
- "(4) (A) The amount of a mother's insurance benefit for each month to which any individual is entitled under this subsection (as determined after application of subsection (k)) shall be reduced (but not below zero) by an amount equal to the amount of any monthly periodic benefit payable to such individual for such month which is based upon such individual's earnings while in the service of the Federal Government or any State (or political subdivision thereof, as defined in section 218(b)(2)) if, on the last day such individual was employed by such entity, such service did not constitute 'employment' as defined in section 210.
- "(B) For purposes of this paragraph, any periodic benefit which otherwise meets the requirements of subparagraph (A), but which is paid on other than a monthly basis, shall be allocated on a basis equivalent to a monthly benefit (as determined by the Secretary) and such equivalent monthly benefit shall constitute a monthly periodic benefit for purposes of subparagraph (A). For purposes of this subparagraph, the term 'periodic benefit' includes a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments."
- 42 USC 418. (f) The amendments made by this section shall apply with respect to monthly insurance benefits payable under title II of the Social Security Act for months beginning with the month in which this Act is enacted, on the basis of applications filed in or after the month in which this Act is enacted.
- Post*, p. 1549. (g)(1) The amendments made by the preceding provisions of this section shall not apply with respect to any monthly insurance benefit payable, under subsection (b), (c), (e), (f), or (g) (as the case may be) of section 202 of the Social Security Act, to an individual—
- (A) to whom there is payable for any month within the 60-month period beginning with the month in which this Act is enacted (or who is eligible in any such month for) a monthly periodic benefit (within the meaning of such provisions) based upon such individual's earnings while in the service of the Federal Government or any State (or political subdivision thereof, as
- "Periodic benefit."
- Effective date.
42 USC 402 note.
42 USC 401.
- Effective date.
42 USC 402 note.

defined in section 218(b)(2) of the Social Security Act); and 42 USC 418.

(B) who at time of application for or initial entitlement to such monthly insurance benefit under such subsection (b), (c), (e), (f), or (g) meets the requirements of that subsection as it was in effect and being administered in January 1977.

(2) For purposes of paragraph (1)(A), an individual is eligible for a monthly periodic benefit for any month if such benefit would be payable to such individual for that month if such individual were not employed during that month and had made proper application for such benefit. Eligibility.

(3) If any provision of this subsection, or the application thereof to any person or circumstance, is held invalid, the remainder of this section shall not be affected thereby, but the application of this subsection to any other persons or circumstances shall also be considered invalid. Separability.

SUBSTANTIAL GAINFUL ACTIVITY IN CASE OF BLIND INDIVIDUALS

SEC. 335. Section 223(d)(4) of the Social Security Act is amended by inserting after the first sentence the following new sentence: "No individual who is blind shall be regarded as having demonstrated an ability to engage in substantial gainful activity on the basis of earnings that do not exceed the exempt amount under section 203(f)(8) which is applicable to individuals described in subparagraph (D) thereof." 42 USC 423.

Ante, p. 1530.

REMARRIAGE OF WIDOWS AND WIDOWERS

SEC. 336. (a) (1) Section 202(e)(2)(A) of the Social Security Act (as amended by sections 204(a) and 334(c)(1) of this Act) is amended by striking out "paragraphs (4) and (8)" and inserting in lieu thereof "paragraph (8)". *Ante*, pp. 1527, 1544.

(2) Section 202(e)(3) of such Act is amended by striking out "In the case of a widow or surviving divorced wife who marries" in the matter preceding subparagraph (A) and inserting in lieu thereof "If a widow, before attaining age 60, or a surviving divorced wife, marries".

(3) Section 202(e)(4) of such Act is amended to read as follows: "42 USC 402.
"(4) If a widow, after attaining age 60, marries, such marriage shall, for purposes of paragraph (1), be deemed not to have occurred."

(b) (1) Section 202(f)(3)(A) of such Act (as amended by sections 204(c) and 334(d)(3) of this Act) is further amended by striking out "paragraphs (2) and (5)" and inserting in lieu thereof "paragraph (2)". *Ante*, pp. 1528, 1546.

(2) Section 202(f)(4) of such Act is amended by striking out "In the case of a widower who remarries" in the matter preceding subparagraph (A) and inserting in lieu thereof "If a widower, before attaining age 60, remarries".

(3) Section 202(f)(5) of such Act is amended to read as follows: "(5) If a widower, after attaining age 60, marries, such marriage shall, for purposes of paragraph (1), be deemed not to have occurred."

(c) (1) The amendments made by this section shall apply only with respect to monthly benefits payable under title II of the Social Security Act for months after December 1978, and, in the case of individuals who are not entitled to benefits of the type involved for December 1978, only on the basis of applications filed on or after January 1, 1979. Effective date.
42 USC 402 note.
42 USC 401.

Ante, pp. 1545, 1547.
Ante, pp. 1528, 1546.

(2) In the case of an individual who was entitled for the month of December 1978 to monthly insurance benefits under subsection (e) or (f) of section 202 of the Social Security Act to which the provisions of subsection (e) (4) or (f) (5) applied, the Secretary shall, if such benefits would be increased by the amendments made by this section, redetermine the amount of such benefits for months after December 1978 as if such amendments had been in effect for the first month for which the provisions of section 202(e) (4) or 202(f) (5) became applicable.

42 USC 402 note. (d) Where—

42 USC 402. (1) two or more persons are entitled to monthly benefits under section 202 of the Social Security Act for December 1978 on the basis of the wages and self-employment income of a deceased individual, and one or more of such persons is so entitled under subsection (e) or (f) of such section 202, and

(2) one or more of such persons is entitled on the basis of such wages and self-employment income to monthly benefits under subsection (e) or (f) of such section 202 (as amended by this section) for January 1979, and

Ante, p. 1524. (3) the total of benefits to which all persons are entitled under section 202 of such Act on the basis of such wages and self-employment income for January 1979 is reduced by reason of section 203(a) of such Act as amended by this Act (or would, but for the first sentence of section 203(a) (4), be so reduced), then the amount of the benefit to which each such person referred to in paragraph (1) is entitled for months after December 1978 shall in no case be less after the application of this section and such section 203(a) than the amount it would have been without the application of this section.

DURATION-OF-MARRIAGE REQUIREMENT

42 USC 416. SEC. 337. (a) Section 216(d) of the Social Security Act is amended by striking out "20 years" in paragraphs (1) and (2) and inserting in lieu thereof in each instance "10 years".

(b) Section 202(b) (1) (G) of such Act is amended by striking out "20 years" and inserting in lieu thereof "10 years".

Effective date.
 42 USC 402 note.
 42 USC 401. (c) The amendments made by this section shall apply with respect to monthly benefits payable under title II of the Social Security Act for months after December 1978, and, in the case of individuals who are not entitled to benefits of the type involved for December 1978, only on the basis of applications filed on or after January 1, 1979.

PART D—STUDY WITH RESPECT TO GENDER-BASED DISTINCTIONS

STUDY OF PROPOSALS TO ELIMINATE DEPENDENCY AND SEX DISCRIMINATION UNDER THE SOCIAL SECURITY PROGRAM

42 USC 902 note. SEC. 341. (a) The Secretary of Health, Education, and Welfare, in consultation with the Task Force on Sex Discrimination in the Department of Justice, shall make a detailed study, within the Department of Health, Education, and Welfare and the Social Security Administration, of proposals to eliminate dependency as a factor in the determination of entitlement to spouse's benefits under the program established under title II of the Social Security Act, and of proposals to bring about equal treatment for men and women in any and all respects under such program, taking into account the practi-

cal effects (particularly the effect upon women's entitlement to such benefits) of factors such as—

- (1) changes in the nature and extent of women's participation in the labor force,
- (2) the increasing divorce rate, and
- (3) the economic value of women's work in the home.

The study shall include appropriate cost analyses.

(b) The Secretary shall submit to the Congress within six months after the date of the enactment of this Act a full and complete report on the study carried out under subsection (a). Report to Congress.

PART E—COMBINED SOCIAL SECURITY AND INCOME TAX ANNUAL REPORTING

Subpart 1—Amendments to Title II of the Social Security Act

ANNUAL CREDITING OF QUARTERS OF COVERAGE

SEC. 351. (a) (1) Sections 209(g) (3), 209(j), 210(a) (17) (A), and 210(f) (4) (B) of the Social Security Act are each amended by striking out “quarter” wherever it appears and inserting in lieu thereof “year”. 42 USC 409, 410.

(2) Sections 209(g) (3) and 209(j) of such Act are each further amended by striking out “\$50” and inserting in lieu thereof “\$100”.

(3) (A) Section 209 of such Act is amended by striking out “or” at the end of subsection (n), by striking out the period at the end of subsection (o) and inserting in lieu thereof “; or”, and by inserting after subsection (o) the following new subsection:

“(p) Remuneration paid by an organization exempt from income tax under section 501 of the Internal Revenue Code of 1954 in any calendar year to an employee for service rendered in the employ of such organization, if the remuneration paid in such year by the organization to the employee for such service is less than \$100.” 26 USC 501.

(B) Section 210(a) (10) of such Act is amended by striking out “(10) (A)” and all that follows down through “(B) Service” and inserting in lieu thereof “(10) Service”, and by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

(b) Section 212 of such Act is amended to read as follows: 42 USC 412.

“CREDITING OF SELF-EMPLOYMENT INCOME TO CALENDAR YEARS

“Sec. 212. (a) For the purposes of determining average monthly wage and quarters of coverage the amount of self-employment income derived during any taxable year which begins before 1978 shall—

“(1) in the case of a taxable year which is a calendar year, be credited equally to each quarter of such calendar year; and

“(2) in the case of any other taxable year, be credited equally to the calendar quarter in which such taxable year ends and to each of the next three or fewer preceding quarters any part of which is in such taxable year.

“(b) For the purposes of determining average indexed monthly earnings, average monthly wage, and quarters of coverage the amount of self-employment income derived during any taxable year which begins after 1977 shall—

“(1) in the case of a taxable year which is a calendar year or which begins with or during a calendar year and ends with or during such year, be credited to such calendar year; and

“(2) in the case of any other taxable year, be allocated proportionately to the two calendar years, portions of which are included within such taxable year, on the basis of the number of months in each such calendar year which are included completely within the taxable year.

For purposes of clause (2), the calendar month in which a taxable year ends shall be treated as included completely within that taxable year.”.

“Quarters of coverage.”
42 USC 413.

(c) Section 213(a)(2) of such Act is amended to read as follows:

“(2) (A) The term ‘quarters of coverage’ means—

“(i) for calendar years before 1978, and subject to the provisions of subparagraph (B), a quarter in which an individual has been paid \$50 or more in wages (except wages for agricultural labor paid after 1954) or for which he has been credited (as determined under section 212) with \$100 or more of self-employment income; and

“(ii) for calendar years after 1977, and subject to the provisions of subparagraph (B), each portion of the total of the wages paid and the self-employment income credited (pursuant to section 212) to an individual in a calendar year which equals \$250, with such quarter of coverage being assigned to a specific calendar quarter in such calendar year only if necessary in the case of any individual who has attained age 62 or died or is under a disability and the requirements for insured status in subsection (a) or (b) of section 214, the requirements for entitlement to a computation or recomputation of his primary insurance amount, or the requirements of paragraph (3) of section 216(i) would not otherwise be met.

42 USC 414.

42 USC 416.

“(B) Notwithstanding the provisions of subparagraph (A)—

“(i) no quarter after the quarter in which an individual dies shall be a quarter of coverage, and no quarter any part of which is included in a period of disability (other than the initial quarter and the last quarter of such period) shall be a quarter of coverage;

“(ii) if the wages paid to an individual in any calendar year equal to \$3,000 in the case of a calendar year before 1951, or \$3,600 in the case of a calendar year after 1950 and before 1955, or \$4,200 in the case of a calendar year after 1954 and before 1959, or \$4,800 in the case of a calendar year after 1958 and before 1966, or \$6,600 in the case of a calendar year after 1965 and before 1968, or \$7,800 in the case of a calendar year after 1967 and before 1972, or \$9,000 in the case of the calendar year 1972, or \$10,800 in the case of the calendar year 1973, or \$13,200 in the case of the calendar year 1974, or an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1974 and before 1978 with respect to which such contribution and benefit base is effective, each quarter of such year shall (subject to clauses (i) and (v)) be a quarter of coverage;

Ante, p. 1513,
Post, p. 1554.

“(iii) if an individual has self-employment income for a taxable year, and if the sum of such income and the wages paid to him during such year equals \$3,600 in the case of a taxable year beginning after 1950 and ending before 1955, or \$4,200 in the case of a taxable year ending after 1954 and before 1959, or \$4,800 in the case of a taxable year ending after 1958 and before 1966, or \$6,600 in the case of a taxable year ending after 1965 and before 1968, or \$7,800 in the case of a taxable year ending after 1967 and before 1972, or \$9,000 in the case of a taxable year beginning after 1971

and before 1973, or \$10,800 in the case of a taxable year beginning after 1972 and before 1974, or \$13,200 in the case of a taxable year beginning after 1973 and before 1975, or an amount equal to the contribution and benefit base (as determined under section 230) which is effective for the calendar year in the case of any taxable year beginning in any calendar year after 1974 and before 1978, each quarter any part of which falls in such year shall (subject to clauses (i) and (v)) be a quarter of coverage;

Ante, p. 1513,
Post, p. 1554.

“(iv) if an individual is paid wages for agricultural labor in a calendar year after 1954 and before 1978, then, subject to clauses (i) and (v), (I) the last quarter of such year which can be but is not otherwise a quarter of coverage shall be a quarter of coverage if such wages equal or exceed \$100 but are less than \$200; (II) the last two quarters of such year which can be but are not otherwise quarters of coverage shall be quarters of coverage if such wages equal or exceed \$200 but are less than \$300; (III) the last three quarters of such year which can be but are not otherwise quarters of coverage shall be quarters of coverage if such wages equal or exceed \$300 but are less than \$400; and (IV) each quarter of such year which is not otherwise a quarter of coverage shall be a quarter of coverage if such wages are \$400 or more;

“(v) no quarter shall be counted as a quarter of coverage prior to the beginning of such quarter;

“(vi) not more than one quarter of coverage may be credited to a calendar quarter; and

“(vii) no more than four quarters of coverage may be credited to any calendar year after 1977.

If in the case of an individual who has attained age 62 or died or is under a disability and who has been paid wages for agricultural labor in a calendar year after 1954 and before 1978, the requirements for insured status in subsection (a) or (b) of section 214, the requirements for entitlement to a computation or recomputation of his primary insurance amount, or the requirements of paragraph (3) of section 216(i) are not met after assignment of quarters of coverage to quarters in such year as provided in clause (iv) of the preceding sentence, but would be met if such quarters of coverage were assigned to different quarters in such year, then such quarters of coverage shall instead be assigned, for purposes only of determining compliance with such requirements, to such different quarters. If, in the case of an individual who did not die prior to January 1, 1955, and who attained age 62 (if a woman) or age 65 (if a man) or died before July 1, 1957, the requirements for insured status in section 214(a)(3) are not met because of his having too few quarters of coverage but would be met if his quarters of coverage in the first calendar year in which he had any covered employment had been determined on the basis of the period during which wages were earned rather than on the basis of the period during which wages were paid (any such wages paid that are reallocated on an earned basis shall not be used in determining quarters of coverage for subsequent calendar years), then upon application filed by the individual or his survivors and satisfactory proof of his record of wages earned being furnished by such individual or his survivors, the quarters of coverage in such calendar year may be determined on the basis of the periods during which wages were earned.”.

42 USC 414.

(d) The amendments made by subsection (a) shall apply with respect to remuneration paid and services rendered after December 31,

Effective dates.
42 USC 409 note.

1977. The amendments made by subsections (b) and (c) shall be effective January 1, 1978.

ADJUSTMENT IN AMOUNT REQUIRED FOR A QUARTER OF COVERAGE

Ante, p. 1549.

SEC. 352. (a) Section 213(a)(2)(A)(ii) of the Social Security Act, as amended by section 351(c) of this Act, is amended by striking out "\$250" and inserting in lieu thereof "the amount required for a quarter of coverage in that calendar year (as determined under subsection (d))".

(b) Section 213 of such Act is further amended by adding at the end thereof the following new subsection:

"Amount Required for a Quarter of Coverage

"(d)(1) The amount of wages and self-employment income which an individual must have in order to be credited with a quarter of coverage in any year under subsection (a)(2)(A)(ii) shall be \$250 in the calendar year 1978 and the amount determined under paragraph (2) of this subsection for years after 1978.

Publication in
Federal Register.

"(2) The Secretary shall, on or before November 1 of 1978 and of every year thereafter, determine and publish in the Federal Register the amount of wages and self-employment income which an individual must have in order to be credited with a quarter of coverage in the succeeding calendar year. The amount required for a quarter of coverage shall be the larger of—

"(A) the amount in effect in the calendar year in which the determination under this subsection is made, or

"(B) the product of the amount prescribed in paragraph (1) which is required for a quarter of coverage in 1978 and the ratio of the average of the total wages (as defined in regulations of the Secretary and computed without regard to the limitations specified in section 209(a)) reported to the Secretary of the Treasury or his delegate for the calendar year before the year in which the determination under this paragraph is made to the average of the total wages (as so defined and computed) reported to the Secretary of the Treasury or his delegate for 1976 (as published in the Federal Register in accordance with section 215(a)(1)(D)),

42 USC 409.

Ante, p. 1514.

with such product, if not a multiple of \$10, being rounded to the next higher multiple of \$10 where such amount is a multiple of \$5 but not of \$10 and to the nearest multiple of \$10 in any other case."

Effective date.

42 USC 413 note.

(c) The amendments made by this section shall be effective January 1, 1978.

TECHNICAL AND CONFORMING AMENDMENTS

42 USC 403.

SEC. 353. (a)(1) Section 203(f)(8)(B)(i) of the Social Security Act is amended by striking out "was" wherever it appears and inserting in lieu thereof "is".

(2) Section 203(f)(8)(B)(ii) of such Act is amended to read as follows:

"(ii) the product of the exempt amount described in clause (i) and the ratio of (I) the average of the total wages (as defined in regulations of the Secretary and computed without regard to the limitations specified in section 209(a)) reported to the Secretary of the Treasury or his delegate for the calendar year before the calendar year in which the determination under subparagraph (A) is made to (II) the average of the total wages (as so defined

and computed) reported to the Secretary of the Treasury or his delegate for the calendar year before the most recent calendar year in which an increase in the exempt amount was enacted or a determination resulting in such an increase was made under subparagraph (A), with such product, if not a multiple of \$10, being rounded to the next higher multiple of \$10 where such product is a multiple of \$5 but not of \$10 and to the nearest multiple of \$10 in any other case.”.

(b)(1) The first sentence of section 218(c)(8) of such Act is amended by striking out “quarter” wherever it appears and inserting in lieu thereof “year”, and by striking out “\$50” and inserting in lieu thereof “\$100”. 42 USC 418.

(2) Section 218(g)(1) of such Act is amended by striking out “quarter” and inserting in lieu thereof “year”.

(3) Section 218(q)(4)(B) of such Act is amended by striking out “any calendar quarters” and inserting in lieu thereof “a calendar year” and by striking out “such calendar quarters” and inserting in lieu thereof “such calendar year”.

(4) Section 218(q)(6)(B) of such Act is amended by striking out “calendar quarters designated by the State in such wage reports as the” and inserting in lieu thereof “period or periods designated by the State in such wage reports as the period or”.

(5) Section 218(r)(1) of such Act is amended—

(A) by striking out “quarter” in the matter before clause (A) and inserting in lieu thereof “year”,

(B) by striking out “in which occurred the calendar quarter” in clause (A), and

(C) by striking out “quarter” in clause (B) and inserting in lieu thereof “year”.

(c)(1) Effective with respect to estimates for calendar years beginning after December 31, 1977, section 224(a) of such Act is amended by striking out the last sentence. *Ante*, p. 1529.

(2) Section 224(f)(2) of such Act is amended to read as follows:

“(2) In making the redetermination required by paragraph (1), the individual’s average current earnings (as defined in subsection (a)) shall be deemed to be the product of—

“(A) his average current earnings as initially determined under subsection (a);

“(B) the ratio of (i) the average of the total wages (as defined in regulations of the Secretary and computed without regard to the limitations specified in section 209(a)) reported to the Secretary of the Treasury or his delegate for the calendar year before the year in which such redetermination is made to (ii) the average of the total wages (as so defined and computed) reported to the Secretary of the Treasury or his delegate for calendar year 1977 or, if later, the calendar year before the year in which the reduction was first computed (but not counting any reduction made in benefits for a previous period of disability); and

42 USC 409.

“(C) in any case in which the reduction was first computed before 1978, the ratio of (i) the average of the taxable wages reported to the Secretary for the first calendar quarter of 1977 to (ii) the average of the taxable wages reported to the Secretary for the first calendar quarter of the calendar year before the year in which the reduction was first computed (but not counting any reduction made in benefits for a previous period of disability).

Any amount determined under this paragraph which is not a multiple of \$1 shall be reduced to the next lower multiple of \$1.”.

42 USC 429.

(d) Section 229(a) of such Act is amended—

(1) by striking out “shall be deemed to have been paid, in each calendar quarter occurring after 1956 in which he” and inserting in lieu thereof “, if he”, and

(2) by striking out “wages (in addition to the wages actually paid to him for such service) of \$300.” at the end thereof and inserting in lieu thereof the following: “shall be deemed to have been paid—

“(1) in each calendar quarter occurring after 1956 and before 1978 in which he was paid such wages, additional wages of \$300, and

“(2) in each calendar year occurring after 1977 in which he was paid such wages, additional wages of \$100 for each \$300 of such wages, up to a maximum of \$1,200 of additional wages for any calendar year.”.

42 USC 430.

(e) (1) Section 230(b) of such Act is amended by striking out the last sentence.

(2) Section 230(b) (1) of such Act is amended to read as follows:

“(1) the contribution and benefit base which is in effect with respect to remuneration paid in (and taxable years beginning in) the calendar year in which the determination under subsection (a) is made, and”.

(3) Section 230(b) (2) of such Act is amended to read as follows:

“(2) the ratio of (A) the average of the total wages (as defined in regulations of the Secretary and computed without regard to the limitations specified in section 209(a)) reported to the Secretary of the Treasury or his delegate for the calendar year before the calendar year in which the determination under subsection (a) is made to (B) the average of the total wages (as so defined and computed) reported to the Secretary of the Treasury or his delegate for the calendar year before the most recent calendar year in which an increase in the contribution and benefit base was enacted or a determination resulting in such an increase was made under subsection (a),”.

42 USC 409.

(f) (1) Effective with respect to convictions after December 31, 1977, section 202(u) (1) (C) of such Act is amended by striking out “quarter” wherever it appears and inserting in lieu thereof “year”.

42 USC 402.

42 USC 405.

(2) (A) Section 205(c) (1) of such Act is amended by striking out “(as defined in section 211(e))”.

“Period.”

(B) Section 205(c) (1) of such Act is further amended by adding at the end thereof the following new subparagraph:

“(D) The term ‘period’ when used with respect to self-employment income means a taxable year and when used with respect to wages means—

“(i) a quarter if wages were reported or should have been reported on a quarterly basis on tax returns filed with the Secretary of the Treasury or his delegate under section 6011 of the Internal Revenue Code of 1954 or regulations thereunder (or on reports filed by a State under section 218(e) or regulations thereunder),

26 USC 6011.

42 USC 418.

“(ii) a year if wages were reported or should have been reported on a yearly basis on such tax returns or reports, or

“(iii) the half year beginning January 1 or July 1 in the case of wages which were reported or should have been reported for calendar year 1937.”.

(C) Section 205(o) of such Act is amended by inserting “before 1978” after “calendar year”. 42 USC 405.

(g) The amendments made by subsection (b) of this section shall apply with respect to remuneration paid after December 31, 1977, except that the amendment made by subsection (b)(2) shall apply with respect to notices submitted by the States to the Secretary after the date of the enactment of this Act. The amendments made by subsections (d) and (f)(2) shall be effective January 1, 1978. Except as otherwise specifically provided, the remaining amendments made by this section shall be effective January 1, 1979. Effective dates. 42 USC 418 note.

Subpart 2—Amendments to the Internal Revenue Code of 1954

DEDUCTION OF TAX FROM WAGES

SEC. 355. (a) Section 3102(a) of the Internal Revenue Code of 1954 is amended by striking out “or (C) or (10)”, and by inserting after “is less than \$50;” the following: “and an employer who in any calendar year pays to an employee cash remuneration to which paragraph (7)(C) or (10) of section 3121(a) is applicable may deduct an amount equivalent to such tax from any such payment of remuneration, even though at the time of payment the total amount of such remuneration paid to the employee by the employer in the calendar year is less than \$100;”. 26 USC 3102.

(b)(1) Paragraphs (1) and (2) of section 3102(c) of such Code are each amended by striking out “quarter” wherever it appears and by inserting in lieu thereof “year”. *Infra.*

(2) Paragraph (3) of section 3102(c) of such Code is amended—

(A) by striking out “quarter of the” in subparagraph (A); and

(B) by striking out “quarter” wherever it appears in subparagraphs (B) and (C) and inserting in lieu thereof “year”.

(c) The amendments made by this section shall apply with respect to remuneration paid and to tips received after December 31, 1977. Effective date. 26 USC 3102 note.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 356. (a) Sections 3121(a)(7)(C) and 3121(a)(10) of the Internal Revenue Code of 1954 are each amended by striking out “quarter” wherever it appears and inserting in lieu thereof “year”, and by striking out “\$50” and inserting in lieu thereof “\$100”. 26 USC 3121.

(b) Section 3121(a) of such Code is amended by striking out “or” at the end of paragraph (14), by striking out the period at the end of paragraph (15) and inserting in lieu thereof “; or”, and by adding after paragraph (15) the following new paragraph:

“(16) remuneration paid by an organization exempt from income tax under section 501(a) (other than an organization described in section 401(a) or under section 521 in any calendar year to an employee for service rendered in the employ of such organization, if the remuneration paid in such year by the organization to the employee for such service is less than \$100.”. 26 USC 501. 26 USC 401, 521.

(c) Section 3121(b)(10) of such Code is amended by striking out “(10)(A)” and all that follows down through “(B) service” and inserting in lieu thereof “(10) service”, and redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

(d) Sections 3121(b)(17)(A) and 3121(g)(4)(B) of such Code are each amended by striking out “quarter” and inserting in lieu thereof “year”.

Effective date.
26 USC 3121
note.

(e) The amendments made by this section shall apply with respect to remuneration paid and services rendered after December 31, 1977.

Subpart 3—Conforming Amendment to the Railroad Retirement Act of 1974

COMPUTATION OF EMPLOYEE ANNUITIES

- 45 USC 231b. SEC. 358. (a) The last sentence of section 3(f) (1) of the Railroad Retirement Act of 1974 is amended—
- (1) by inserting “paid before 1978” after “in the case of wages”, and
 - (2) by inserting “and in the case of wages paid after 1977” before the period at the end thereof.
- Effective date.
45 USC 231b
note. (b) The amendments made by this section shall be effective January 1, 1978.

PART F—NATIONAL COMMISSION ON SOCIAL SECURITY

ESTABLISHMENT OF COMMISSION

- 42 USC 907a. SEC. 361. (a) (1) There is hereby established a commission to be known as the National Commission on Social Security (hereinafter referred to as the “Commission”).
- Membership. (2) (A) The Commission shall consist of—
- (i) five members to be appointed by the President, by and with the advice and consent of the Senate, one of whom shall, at the time of appointment, be designated as Chairman of the Commission;
 - (ii) two members to be appointed by the Speaker of the House of Representatives; and
 - (iii) two members to be appointed by the President pro tempore of the Senate.
- Appointment. (B) At no time shall more than three of the members appointed by the President, one of the members appointed by the Speaker of the House of Representatives, or one of the members appointed by the President pro tempore of the Senate be members of the same political party.
- Membership qualifications. (C) The membership of the Commission shall consist of individuals who are of recognized standing and distinction and who possess the demonstrated capacity to discharge the duties imposed on the Commission, and shall include representatives of the private insurance industry and of recipients and potential recipients of benefits under the programs involved as well as individuals whose capacity is based on a special knowledge or expertise in those programs. No individual who is otherwise an officer or full-time employee of the United States shall serve as a member of the Commission.
- Chairman. (D) The Chairman of the Commission shall designate a member of the Commission to act as Vice Chairman of the Commission.
- Quorum. (E) A majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.
- Term. (F) Members of the Commission shall be appointed for a term of two years.
- Vacancy. (G) A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as that herein provided for the appointment of the member first appointed to the vacant position.

(3) Members of the Commission shall receive \$138 per diem while engaged in the actual performance of the duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

Compensation.

(4) The Commission shall meet at the call of the Chairman, or at the call of a majority of the members of the Commission; but meetings of the Commission shall be held not less frequently than once in each calendar month which begins after a majority of the authorized membership of the Commission has first been appointed.

Meetings.

(b) (1) It shall be the duty and function of the Commission to conduct a continuing study, investigation, and review of—

Study,
investigation and
review of
programs.
42 USC 401.
42 USC 1395.

(A) the Federal old-age, survivors, and disability insurance program established by title II of the Social Security Act; and

(B) the health insurance programs established by title XVIII of such Act.

(2) Such study, investigation, and review of such programs shall include (but not be limited to)—

Contents.

(A) the fiscal status of the trust funds established for the financing of such programs and the adequacy of such trust funds to meet the immediate and long-range financing needs of such programs;

(B) the scope of coverage, the adequacy of benefits including the measurement of an adequate retirement income, and the conditions of qualification for benefits provided by such programs including the application of the retirement income test to unearned as well as earned income;

(C) the impact of such programs on, and their relation to, public assistance programs, nongovernmental retirement and annuity programs, medical service delivery systems, and national employment practices;

(D) any inequities (whether attributable to provisions of law relating to the establishment and operation of such programs, to rules and regulations promulgated in connection with the administration of such programs, or to administrative practices and procedures employed in the carrying out of such programs) which affect substantial numbers of individuals who are insured or otherwise eligible for benefits under such programs, including inequities and inequalities arising out of marital status, sex, or similar classifications or categories;

(E) possible alternatives to the current Federal programs or particular aspects thereof, including but not limited to (i) a phasing out of the payroll tax with the financing of such programs being accomplished in some other manner (including general revenue funding and the retirement bond), (ii) the establishment of a system providing for mandatory participation in any or all of the Federal programs, (iii) the integration of such current Federal programs with private retirement programs, and (iv) the establishment of a system permitting covered individuals a choice of public or private programs or both;

(F) the need to develop a special Consumer Price Index for the elderly, including the financial impact that such an index would have on the costs of the programs established under the Social Security Act; and

42 USC 1305.

(G) methods for effectively implementing the recommendations of the Commission.

(3) In order to provide an effective opportunity for the general public to participate fully in the study, investigation, and review under

this section, the Commission, in conducting such study, investigation, and review, shall hold public hearings in as many different geographical areas of the country as possible. The residents of each area where such a hearing is to be held shall be given reasonable advance notice of the hearing and an adequate opportunity to appear and express their views on the matters under consideration.

Report to
President and
Congress.

(c) (1) No later than four months after the date on which a majority of the authorized membership of the Commission is initially appointed, the Commission shall submit to the President and the Congress a special report describing the Commission's plans for conducting the study, investigation, and review under subsection (b), with particular reference to the scope of such study, investigation, and review and the methods proposed to be used in conducting it.

Reports to
President and
Congress;
recommen-
dations.

(2) At or before the close of each of the first two years after the date on which a majority of the authorized membership of the Commission is initially appointed, the Commission shall submit to the President and the Congress an annual report on the study, investigation, and review under subsection (b), together with its recommendations with respect to the programs involved. The second such report shall constitute the final report of the Commission on such study, investigation, and review, and shall include its final recommendations; and upon the submission of such final report the Commission shall cease to exist.

Executive
Director,
appointment and
compensation.
5 USC 5316.

(d) (1) The Commission shall appoint an Executive Director of the Commission who shall be compensated at a rate fixed by the Commission, but which shall not exceed the rate established for level V of the Executive Schedule by title 5, United States Code.

5 USC 5101 *et*
seq., 5331.
Hearings.

(2) In addition to the Executive Director, the Commission shall have the power to appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(e) In carrying out its duties under this section, the Commission, or any duly authorized committee thereof, is authorized to hold such hearings, sit and act at such times and places, and take such testimony, with respect to matters with respect to which it has a responsibility under this section, as the Commission or such committee may deem advisable. The Chairman of the Commission or any member authorized by him may administer oaths or affirmations to witnesses appearing before the Commission or before any committee thereof.

Support services.

(f) The Commission may secure directly from any department or agency of the United States such data and information as may be necessary to enable it to carry out its duties under this section. Upon request of the Chairman of the Commission, any such department or agency shall furnish any such data or information to the Commission.

(g) The General Services Administration shall provide to the Commission, on a reimbursable basis such administrative support services as the Commission may request.

Appropriation
authorization.

(h) There are hereby authorized to be appropriated such sums as may be necessary to carry out this section.

Notice of
meetings.
42 USC 1395dd.

(i) It shall be the duty of the Health Insurance Benefits Advisory Council (established by section 1867 of the Social Security Act) to provide timely notice to the Commission of any meeting, and the Chairman of the Commission (or his delegate) shall be entitled to attend any such meeting.

PART G—MISCELLANEOUS PROVISIONS

APPOINTMENT OF HEARING EXAMINERS

SEC. 371. The persons who were appointed to serve as hearing examiners under section 1631(d)(2) of the Social Security Act (as in effect prior to January 2, 1976), and who by section 3 of Public Law 94-202 were deemed to be appointed under section 3105 of title 5, United States Code (with such appointments terminating no later than at the close of the period ending December 31, 1978), shall be deemed appointed to career-absolute positions as hearing examiners under and in accordance with section 3105 of title 5, United States Code, with the same authority and tenure (without regard to the expiration of such period) as hearing examiners appointed directly under such section 3105, and shall receive compensation at the same rate as hearing examiners appointed by the Secretary of Health, Education, and Welfare directly under such section 3105. All of the provisions of title 5, United States Code, and the regulations promulgated pursuant thereto, which are applicable to hearing examiners appointed under such section 3105, shall apply to the persons described in the preceding sentence.

42 USC 1383
note.
42 USC 1383.
42 USC 1383
note.

5 USC 101 *et seq.*

REPORT OF ADVISORY COUNCIL ON SOCIAL SECURITY

SEC. 372. Notwithstanding the provisions of section 706(d) of the Social Security Act, the report of the Advisory Council on Social Security which is due not later than January 1, 1979, may be filed at any date prior to October 1, 1979.

42 USC 907 note.
42 USC 907.

TITLE IV—PROVISIONS RELATING TO CERTAIN STATE WELFARE AND SERVICE PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

FISCAL RELIEF FOR STATES AND POLITICAL SUBDIVISIONS WITH RESPECT TO COSTS OF WELFARE PROGRAMS

SEC. 401. Section 403 of the Social Security Act is amended—
(1) in subsection (a), by adding at the end thereof the following new paragraph:

42 USC 603.

“In the case of calendar quarters beginning after September 30, 1977, and prior to April 1, 1978, the amount to be paid to each State (as determined under the preceding provisions of this subsection or section 1118, as the case may be) shall be increased in accordance with the provisions of subsection (i) of this section.”; and

42 USC 1318.

(2) by adding at the end thereof the following new subsection:

“(i)(1) In the case of any calendar quarter which begins after September 30, 1977, and prior to April 1, 1978, the amount payable (as determined under subsection (a) or section 1118, as the case may be) to each State which has a State plan approved under this part shall (subject to the succeeding paragraphs of this subsection) be increased by an amount equal to the sum of the following:

“(A) an amount which bears the same ratio to \$46,750,000 as the amount expended as aid to families with dependent children under the State plan of such State during the month of December 1976 bears to the amount expended as aid to families with dependent children under the State plans of all States during such month, and

“(B)(i) in the case of Puerto Rico, Guam, and the Virgin Islands, an amount equal to the amount determined under subparagraph (A) with respect to such State, or

“(ii) in the case of any other State, an amount which bears the same ratio to \$46,750,000, minus the amounts determined under clause (i) of this subparagraph, as the amount allocated to such State under section 106 of the State and Local Fiscal Assistance Act of 1972, for the most recent entitlement period for which allocations have been made under such section prior to the date of the enactment of this subsection, bears to the total of the amounts allocated to all States under such section 106 for such period.

31 USC 1225.

“(2) As a condition of any State receiving an increase, by reason of the application of the foregoing provisions of this subsection, in the amount determined for such State pursuant to subsection (a) or under section 1118 (as the case may be), such State must agree to pay to any political subdivision thereof which participates in the cost of the State's plan approved under this part, during any calendar quarter with respect to which such increase applies, so much of such increase as does not exceed 100 per centum of such political subdivision's financial contribution to the State's plan for such quarter.

42 USC 1318.

“(3) Notwithstanding any other provision of this part, the amount payable to any State by reason of the preceding provisions of this subsection for calendar quarters prior to April 1, 1978, shall be made in a single installment, which shall be payable as shortly after October 1, 1977, as is administratively feasible.”.

INCENTIVE ADJUSTMENTS FOR QUALITY CONTROL IN FEDERAL FINANCIAL PARTICIPATION IN AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAMS

Ante, p. 1559.

SEC. 402. (a) Section 403 of the Social Security Act is amended by adding after subsection (i) (as added by section 401 of this Act) the following new subsection:

“(j) If the dollar error rate of aid furnished by a State under its State plan approved under this part with respect to any six-month period, as based on samples and evaluations thereof, is—

“(1) at least 4 per centum, the amount of the Federal financial participation in the expenditures made by the State in carrying out such plan during such period shall be determined without regard to the provisions of this subsection; or

“(2) less than 4 per centum, the amount of the Federal financial participation in the expenditures made by the State in carrying out such plan during such period shall be the amount determined without regard to this subsection, plus, of the amount by which such expenditures are less than they would have been if the erroneous excess payments of aid had been at a rate of 4 per centum—

“(A) 10 per centum of the Federal share of such amount, in case such rate is not less than 3.5 per centum,

“(B) 20 per centum of the Federal share of such amount, in case such rate is at least 3.0 per centum but less than 3.5 per centum,

“(C) 30 per centum of the Federal share of such amount, in case such rate is at least 2.5 per centum but less than 3.0 per centum,

“(D) 40 per centum of the Federal share of such amount, in case such rate is at least 2.0 per centum but less than 2.5 per centum,

“(E) 50 per centum of the Federal share of such amount, in case such rate is less than 2.0 per centum. For purposes of this subsection (i) the term ‘dollar error rate of aid’ means the total of the dollar error rates of aid for (I) payments to ineligible families receiving assistance; (II) overpayments to eligible families receiving assistance; (III) underpayments to eligible families receiving assistance; and (IV) nonpayments to eligible families not receiving assistance due to erroneous terminations or denials, and (ii) the term ‘erroneous excess payments,’ means the total of (I) erroneous payments to ineligible families receiving assistance, and (II) overpayments to eligible families receiving assistance.”

“Dollar error rate of aid.”

(b) Payments may be made under the amendment made by subsection (a) only in the case of periods commencing on or after January 1, 1978.

Effective date.
42 USC 603 note.

ACCESS TO WAGE INFORMATION

SEC. 403. (a) Part A of title IV of the Social Security Act is amended by adding after section 410 the following new section:

“ACCESS TO WAGE INFORMATION

“SEC. 411. (a) Notwithstanding any other provision of law, the Secretary shall make available to States and political subdivisions thereof wage information contained in the records of the Social Security Administration which is necessary (as determined by the Secretary in regulations) for purposes of determining an individual’s eligibility for aid or services, or the amount of such aid or services, under a State plan for aid and services to needy families with children approved under this part, and which is specifically requested by such State or political subdivision for such purposes.

42 USC 611.

“(b) The Secretary shall establish such safeguards as are necessary (as determined by the Secretary under regulations) to insure that information made available under the provisions of this section is used only for the purposes authorized by this section.”

(b) Section 3304(a) of the Federal Unemployment Tax Act is amended by redesignating paragraph (16) as paragraph (17) and by inserting after paragraph (15) the following new paragraph:

26 USC 3304.

“(16) (A) wage information contained in the records of the agency administering the State law which is necessary (as determined by the Secretary of Health, Education, and Welfare in regulations) for purposes of determining an individual’s eligibility for aid or services, or the amount of such aid or services, under a State plan for aid and services to needy families with children approved under part A of title IV of the Social Security Act, shall be made available to a State or political subdivision thereof when such information is specifically requested by such State or political subdivision for such purposes, and

42 USC 601.

“(B) such safeguards are established as are necessary (as determined by the Secretary of Health, Education, and Welfare in regulations) to insure that such information is used only for the purposes authorized under subparagraph (A);”

(c) Section 402(a) of the Social Security Act is amended—

42 USC 602.

(1) by striking out the word “and” at the end of paragraph (27);

(2) by striking out the period at the end of paragraph (28) and inserting in lieu thereof a semicolon and the word “and”; and

- (3) by adding at the end thereof the following new paragraph:
 “(29) effective October 1, 1979, provided that wage information available from the Social Security Administration under the provisions of section 411 of this Act, and wage information available (under the provisions of section 3304(a)(16) of the Federal Unemployment Tax Act) from agencies administering State unemployment compensation laws, shall be requested and utilized to the extent permitted under the provisions of such sections; except that the State shall not be required to request such information from the Social Security Administration where such information is available from the agency administering the State unemployment compensation laws.”
- Effective date.
 42 USC 602 note. (d) The amendments made by this section shall be effective on the date of the enactment of this Act.

STATE DEMONSTRATION PROJECTS

- 42 USC 1315. SEC. 404. Section 1115 of the Social Security Act is amended—
- (1) by inserting “(a)” after “SEC. 1115.”;
 - (2) by redesignating subsections (a) and (b) as paragraphs (1) and (2), respectively; and
 - (3) by adding at the end thereof the following new subsection:
 “(b) (1) In order to permit the States to achieve more efficient and effective use of funds for public assistance, to reduce dependency, and to improve the living conditions and increase the incomes of individuals who are recipients of public assistance, any State having an approved plan under part A of title IV may, subject to the provisions of this subsection, establish and conduct not more than three demonstration projects. In establishing and conducting any such project the State shall—
 - “(A) provide that not more than one such project be conducted on a statewide basis;
 - “(B) provide that in making arrangements for public service employment—
 - “(i) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on such project are established and will be maintained,
 - “(ii) such project will not result in the displacement of employed workers,
 - “(iii) each participant in such project shall be compensated for work performed by him at an hourly rate equal to the prevailing hourly wage for similar work in the locality where the participant performs such work (and, for purposes of this clause, benefits payable under the State’s plan approved under part A of title IV of the family of which such participant is a member shall be regarded as compensation for work performed by such participant),
 - “(iv) with respect to such project the conditions of work, training, education, and employment are reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant, and
 - “(v) appropriate workmen’s compensation protection is provided to all participants; and
 - “(C) provide that participation in such project by any individual receiving aid to families with dependent children be voluntary.

42 USC 601.

“(2) Any State which establishes and conducts demonstration projects under this subsection may, subject to paragraph (3), with respect to any such project—

“(A) waive, subject to paragraph (3), any or all of the requirements of sections 402(a)(1) (relating to statewide operation), 402(a)(3) (relating to administration by a single State agency), 402(a)(8) (relating to disregard of earned income), except that no such waiver of 402(a)(8) shall operate to waive any amount in excess of one-half of the earned income of any individual, and 402(a)(19) (relating to the work incentive program); 42 USC 602.

“(B) subject to paragraph (4), use to cover the costs of the project such funds as are appropriated for payment to such State with respect to the assistance which is or would, except for participation in a project under this subsection, be payable to individuals participating in such projects under part A of title IV for any fiscal year in which such projects are conducted; and

“(C) use such funds as are appropriated for payments to States under the State and Local Fiscal Assistance Act of 1972 for any fiscal year in which the project is conducted to cover so much of the costs of salaries for individuals participating in public service employment as is not covered through the use of funds made available under subparagraph (B). 31 USC 1221 note.

“(3) (A) Any State which wishes to establish and conduct demonstration projects under the provisions of this subsection shall submit an application to the Secretary in such form and containing such information as the Secretary may require. Whenever any State submits such an application to the Secretary, it shall at the same time issue public notice of that fact together with a general description of the project with respect to which the application is submitted, and shall invite comment thereon from interested parties and comments thereon may be submitted, within the 30-day period beginning with the date the application is submitted to the Secretary, to the State or the Secretary by such parties. The State shall also make copies of the application available for public inspection. The Secretary shall also immediately publish a summary of the proposed project, make copies of the application available for public inspection, and receive and consider comments submitted with respect to the application. A State shall be authorized to proceed with a project submitted under this subsection— Application. Notice.

“(i) when such application has been approved by the Secretary (which shall be no earlier than 30 days following the date the application is submitted to him), or

“(ii) 60 days after the date on which such application is submitted to the Secretary unless, during such 60 day period, he denies the application. Copies, public inspection.

“(B) Notwithstanding the provisions of paragraph (2)(A), the Secretary may review any waiver made by a State under such paragraph. Upon a finding that any such waiver is inconsistent with the purposes of this subsection and the purposes of part A of title IV, the Secretary may disapprove such waiver. The project with respect to which any such disapproved waiver was made shall be terminated by such State not later than the last day of the month following the month in which such waiver was disapproved. 42 USC 601.

“(4) Any amount payable to a State under section 403(a) on behalf of an individual participating in a project under this section shall not be increased by reason of the participation of such individual in any demonstration project conducted under this subsection over the amount which would be payable if such individual were receiving aid to families with dependent children and not participating in such project.

42 USC 607.
Termination.

“(5) Participation in a project established under this section shall not be considered to constitute employment for purposes of any finding with respect to ‘unemployment’ as that term is used in section 407.

“(6) Any demonstration project established and conducted pursuant to the provisions of this subsection shall be conducted for not longer than two years. All demonstration projects established and conducted pursuant to the provisions of this subsection shall be terminated not later than September 30, 1980.”.

REIMBURSEMENT FOR ERRONEOUS STATE SUPPLEMENTARY PAYMENT

42 USC 1383
note.

SEC. 405. (a) Notwithstanding any other provision of law, the Secretary of Health, Education, and Welfare is authorized and directed to pay to each State an amount equal to the amount expended by such State for erroneous supplementary payments to aged, blind, or disabled individuals whenever, and to the extent to which, the Secretary through an audit by the Department of Health, Education, and Welfare which has been reviewed and concurred in by the Inspector General of such department determines that—

(1) such amount was paid by such State as a supplementary payment during the calendar year 1974 pursuant to an agreement between the State and the Secretary required by section 212 of the Act entitled “An Act to extend the Renegotiation Act of 1951 for one year, and for other purposes”, approved July 9, 1973, or such amount was paid by such State as an optional State supplementation, as defined in section 1616 of the Social Security Act, during the calendar year 1974,

87 Stat. 155.

42 USC 1382e.

(2) the erroneous payments were the result of good faith reliance by such State upon erroneous or incomplete information supplied by the Department of Health, Education, and Welfare, through the State data exchange, or good faith reliance upon incorrect supplemental security income benefit payments made by such department, and

(3) recovery of the erroneous payments by such State would be impossible or unreasonable.

Appropriation
authorization.

(b) There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section.

TITLE V—MISCELLANEOUS

COVERAGE UNDER MEDICARE OF CERTAIN POWER-OPERATED WHEELCHAIRS

42 USC 1395x.

SEC. 501. (a) Section 1861(s)(6) of the Social Security Act is amended by inserting after “wheelchairs” the following: “(which may include a power-operated vehicle that may be appropriately used as a wheelchair, but only where the use of such a vehicle is determined to be necessary on the basis of the individual’s medical and physical condition and the vehicle meets such safety requirements as the Secretary may prescribe)”.

(b) Section 1842(b)(3) of such Act is amended by inserting after the fourth sentence thereof the following new sentence: "With respect to power-operated wheelchairs for which payment may be made in accordance with section 1861(s)(6), charges determined to be reasonable may not exceed the lowest charge at which power-operated wheelchairs are available in the locality."

42 USC 1395u.

Ante, p. 1564.

(c) The amendments made by this section shall be effective in the case of items and services furnished after the date of the enactment of this Act.

Effective date.
42 USC 1395x
note.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS

SEC. 502. (a) Section 328 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is amended—

(1) by inserting "(a)" immediately after "Sec. 328.", and

(2) by adding at the end thereof the following new subsections:

"(b) If an honorarium payable to a person is paid instead at his request to a charitable organization selected by payor from a list of 5 or more charitable organizations provided by that person, that person shall not be treated, for purposes of subsection (a), as accepting that honorarium. For purposes of this subsection, the term 'charitable organization' means an organization described in section 170(c) of the Internal Revenue Code of 1954.

26 USC 170.

"(c) For purposes of determining the aggregate amount of honorariums received by a person during any calendar year, amounts returned to the person paying an honorarium before the close of the calendar year in which it was received shall be disregarded.

"(d) For purposes of paragraph (2) of subsection (a), an honorarium shall be treated as accepted only in the year in which that honorarium is received."

(b) The amendments made by subsection (a) shall apply with respect to any honorarium received after December 31, 1976.

Effective date.
2 USC 441i note.

Approved December 20, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-702, pt. I (Comm. on Ways and Means), No. 95-702, pt. II (Comm. on Post Office and Civil Service) and No. 95-837 (Comm. of Conference).

SENATE REPORTS: No. 95-572 accompanying H.R. 5322 (Comm. on Finance) and No. 95-612 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Oct. 26, 27, considered and passed House.

Nov. 1-4, considered and passed Senate, amended.

Dec. 15, Senate and House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 52:

Dec. 20, Presidential statement.

Public Law 95-217
95th Congress

An Act

Dec. 27, 1977
[H.R. 3199]

To amend the Federal Water Pollution Control Act to provide for additional authorizations, and for other purposes.

Clean Water Act
of 1977.
33 USC 1251
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Water Act of 1977".

SHORT TITLE

33 USC 1251
note.

SEC. 2. Section 518 of the Federal Water Pollution Control Act is amended to read as follows:

"SHORT TITLE

"SEC. 518. This Act may be cited as the 'Federal Water Pollution Control Act' (commonly referred to as the Clean Water Act)."

AUTHORIZATION APPROVAL

33 USC 1376
note.

SEC. 3. Funds appropriated before the date of enactment of this Act for expenditure during the fiscal year ending June 30, 1976, the transition quarter ending September 30, 1976, and the fiscal year ending September 30, 1977, under authority of the Federal Water Pollution Control Act, are hereby authorized for those purposes for which appropriated.

AUTHORIZATION EXTENSION

33 USC 1254.

SEC. 4. (a) Section 104(u) (2) of the Federal Water Pollution Control Act is amended by striking out "1975" and inserting in lieu thereof "1975, \$2,000,000 for fiscal year 1977, \$3,000,000 for fiscal year 1978, \$3,000,000 for fiscal year 1979, and \$3,000,000 for fiscal year 1980,".

(b) Section 104(u) (3) of the Federal Water Pollution Control Act is amended by striking out "1975" and inserting in lieu thereof "1975, \$1,000,000 for fiscal year 1977, \$1,500,000 for fiscal year 1978, \$1,500,000 for fiscal year 1979, and \$1,500,000 for fiscal year 1980,".

33 USC 1256.

(c) Section 106(a) (2) of the Federal Water Pollution Control Act is amended by striking out "and the fiscal year ending June 30, 1975;" and inserting in lieu thereof "and the fiscal year ending June 30, 1975, \$100,000,000 per fiscal year for the fiscal years 1977, 1978, 1979, and 1980;".

33 USC 1262.

(d) Section 112(c) of the Federal Water Pollution Control Act is amended by inserting "\$6,000,000 for the fiscal year ending September 30, 1977, \$7,000,000 for the fiscal year ending September 30, 1978, \$7,000,000 for the fiscal year ending September 30, 1979, and \$7,000,000 for the fiscal year ending September 30, 1980," immediately after "June 30, 1975,".

33 USC 1288.

(e) Section 208(f) (3) of the Federal Water Pollution Control Act is amended by striking out "and not to exceed \$150,000,000 for the fiscal year ending June 30, 1975." and inserting in lieu thereof "and not to exceed \$150,000,000 per fiscal year for the fiscal years ending June 30, 1975, September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980.".

(f) Section 314(c)(2) of the Federal Water Pollution Control Act is amended by striking out “and \$150,000,000 for the fiscal year 1975” and inserting in lieu thereof “\$150,000,000 for the fiscal year 1975, \$50,000,000 for fiscal year 1977, \$60,000,000 for fiscal year 1978, \$60,000,000 for fiscal year 1979, and \$60,000,000 for fiscal year 1980”.

33 USC 1324.

(g) Section 517 of the Federal Water Pollution Control Act is amended by striking out “and \$350,000,000 for the fiscal year ending June 30, 1975.” and inserting in lieu thereof “\$350,000,000 for the fiscal year ending June 30, 1975, \$100,000,000 for the fiscal year ending September 30, 1977, \$150,000,000 for the fiscal year ending September 30, 1978, \$150,000,000 for the fiscal year ending September 30, 1979, and \$150,000,000 for the fiscal year ending September 30, 1980.”.

33 USC 1376.

STATE JURISDICTION

SEC. 5. (a) Section 101 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

Water allocation authority.

“(g) It is the policy of Congress that the authority of each State to allocate quantities of water within its jurisdiction shall not be superseded, abrogated or otherwise impaired by this Act. It is the further policy of Congress that nothing in this Act shall be construed to supersede or abrogate rights to quantities of water which have been established by any State. Federal agencies shall co-operate with State and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources.”.

33 USC 1251.

(b) Section 102 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

Report to Congress.

“(d) The Administrator, after consultation with the States, and River Basin Commissions established under the Water Resources Planning Act, shall submit a report to Congress on or before July 1, 1978, which analyzes the relationship between programs under this Act, and the programs by which State and Federal agencies allocate quantities of water. Such report shall include recommendations concerning the policy in section 101(g) of the Act to improve coordination of efforts to reduce and eliminate pollution in concert with programs for managing water resources.”.

33 USC 1252.

42 USC 1962 note.

ESTUARINE STUDY

SEC. 6. Section 104(n)(3) of the Federal Water Pollution Control Act is amended by striking out “any three year period” and inserting in lieu thereof “any six-year period”.

33 USC 1254.

CLEARINGHOUSE FOR ALTERNATIVE TREATMENT INFORMATION

SEC. 7. Section 104(q) of the Federal Water Pollution Control Act is amended by adding at the end thereof the following:

Establishment.

“(3) The Administrator shall establish, either within the Environmental Protection Agency, or through contract with an appropriate public or private non-profit organization, a national clearinghouse which shall (A) receive reports and information resulting from research, demonstrations, and other projects funded under this Act related to paragraph (1) of this subsection and to subsection (e)(2) of section 105; (B) coordinate and disseminate such reports and information for use by Federal and State agencies, municipalities, institutions, and persons in developing new and improved methods pursuant to this subsection; and (C) provide for the collection and dissemination of

reports and information relevant to this subsection from other Federal and State agencies, institutions, universities, and persons.”.

ASSISTANCE FOR RESEARCH AND DEMONSTRATION PROJECTS

Grants to
municipalities.
33 USC 1255.

SEC. 8. Section 105 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

“(i) The Administrator is authorized to make grants to a municipality to assist in the costs of operating and maintaining a project which received a grant under this section, section 104, or section 113 of this Act prior to the date of enactment of this subsection so as to reduce the operation and maintenance costs borne by the recipients of services from such project to costs comparable to those for projects assisted under title II of this Act.”.

33 USC 1254,
1263.

33 USC 1281.

ASSISTANCE FOR RECYCLE, REUSE, AND LAND TREATMENT PROJECTS

Grants.

SEC. 9. Section 105 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

“(j) The Administrator is authorized to make a grant to any grantee who received an increased grant pursuant to section 202(a)(2) of this Act. Such grant may pay up to 100 per centum of the costs of technical evaluation of the operation of the treatment works, costs of training of persons (other than employees of the grantee), and costs of disseminating technical information on the operation of the treatment works.”.

33 USC 1282.

TRAINING GRANTS

33 USC 1259.

SEC. 10. (a) Section 109(b)(3) of the Federal Water Pollution Control Act is amended by striking “\$250,000” and inserting in lieu thereof “\$500,000”.

Exemptions.

(b) Section 109(b) of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new paragraph:

“(4) The Administrator may exempt a grant under this section from any requirement under section 204(a)(3) of this Act. Any grantee who received a grant under this section prior to enactment of the Clean Water Act of 1977 shall be eligible to have its grant increased by funds made available under such Act.”.

33 USC 1284.

(c) Section 109(b)(1) of the Federal Water Pollution Control Act is amended by inserting before the period the following: “and for the costs of other State treatment works operator training programs, including mobile training units, classroom rental, specialized instructors, and instructional material”.

(d) Section 109(b)(1) of the Federal Water Pollution Control Act is amended by striking out “construction of a treatment works” and inserting in lieu thereof: “construction of treatment works”.

Supplemental
State facilities.

(e) Section 109(b)(2) of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new sentence: “In any case where a grant is made to serve two or more States, the Administrator is authorized to make an additional grant for a supplemental facility in each such State.”.

RURAL VILLAGE STUDY

Alaskan village
demonstration
projects.
33 USC 1263.

SEC. 11. (a) Section 113 of the Federal Water Pollution Control Act is amended by adding new subsections (e), (f), and (g) as follows:

“(e) The Administrator is authorized to coordinate with the Secretary of the Department of Health, Education, and Welfare, the Secretary of the Department of Housing and Urban Development, the Secretary of the Department of the Interior, the Secretary of the Department of Agriculture, and the heads of any other departments or agencies he may deem appropriate to conduct a joint study with representatives of the State of Alaska and the appropriate Native organizations (as defined in Public Law 92-203) to develop a comprehensive program for achieving adequate sanitation services in Alaska villages. This study shall be coordinated with the programs and projects authorized by sections 104(q) and 105(e)(2) of this Act. The Administrator shall submit a report of the results of the study, together with appropriate supporting data and such recommendations as he deems desirable, to the Committee on Environment and Public Works of the Senate and to the Committee on Public Works and Transportation of the House of Representatives not later than December 31, 1979. The Administrator shall also submit recommended administrative actions, procedures, and any proposed legislation necessary to implement the recommendations of the study no later than June 30, 1980.

Coordination.

43 USC 1601
note.33 USC 1254,
1255.
Report to
congressional
committees.

“(f) The Administrator is authorized to provide technical, financial and management assistance for operation and maintenance of the demonstration projects constructed under this section, until such time as the recommendations of subsection (e) are implemented.

Assistance.

“(g) For the purpose of this section, the term ‘village’ shall mean an incorporated or unincorporated community with a population of ten to six hundred people living within a two-mile radius. The term ‘sanitation services’ shall mean water supply, sewage disposal, solid waste disposal and other services necessary to maintain generally accepted standards of personal hygiene and public health.”

Definitions.

(b) Subsection (d) of section 113 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following: “In addition, there is authorized to be appropriated to carry out this section not to exceed \$200,000 for the fiscal year ending September 30, 1978, and \$220,000 for the fiscal year ending September 30, 1979.”

Appropriation
authorization.
33 USC 1263.

GRANT APPLICATION REVIEW

SEC. 12. Section 201(g) of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new paragraph:

33 USC 1281.

“(5) The Administrator shall not make grants from funds authorized for any fiscal year beginning after September 30, 1978, to any State, municipality, or intermunicipal or interstate agency for the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works unless the grant applicant has satisfactorily demonstrated to the Administrator that innovative and alternative wastewater treatment processes and techniques which provide for the reclaiming and reuse of water, otherwise eliminate the discharge of pollutants, and utilize recycling techniques, land treatment, new or improved methods of waste treatment management for municipal and industrial waste (discharged into municipal systems) and the confined disposal of pollutants, so that pollutants will not migrate to cause water or other environmental pollution, have been fully studied and evaluated by the applicant taking into account section 201(d) of this Act and taking into account and allowing to the extent practicable the more efficient use of energy and resources.”

RECREATION AND OPEN SPACE

Grants.
Ante, p. 1569.

SEC. 13. Section 201 (g) of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new paragraph:

"(6) The Administrator shall not make grants from funds authorized for any fiscal year beginning after September 30, 1978, to any State, municipality, or intermunicipal or interstate agency for the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works unless the grant applicant has satisfactorily demonstrated to the Administrator that the applicant has analyzed the potential recreation and open space opportunities in the planning of the proposed treatment works."

INDIVIDUAL SYSTEMS

Privately owned
treatment works,
grants.

SEC. 14. Section 201 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

"(h) A grant may be made under this section to construct a privately owned treatment works serving one or more principal residences or small commercial establishments constructed prior to, and inhabited on, the date of enactment of this subsection where the Administrator finds that—

"(1) a public body otherwise eligible for a grant under subsection (g) of this section has applied on behalf of a number of such units and certified that public ownership of such works is not feasible;

"(2) such public body has entered into an agreement with the Administrator which guarantees that such treatment works will be properly operated and maintained and will comply with all other requirements of section 204 of this Act and includes a system of charges to assure that each recipient of waste treatment services under such a grant will pay its proportionate share of the cost of operation and maintenance (including replacement); and

"(3) the total cost and environmental impact of providing waste treatment services to such residences or commercial establishments will be less than the cost of providing a system of collection and central treatment of such wastes.

In the case of any treatment works assisted under this subsection serving commercial users, any such agreement under paragraph (2) shall make provision for the payment to the United States by the commercial users of the treatment works of that portion of the cost of construction of such works which is applicable to the treatment of commercial wastes to the extent attributable to the Federal share of the cost of construction."

33 USC 1284.

ENERGY REQUIREMENTS

SEC. 15. Section 201 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

"(i) The Administrator shall encourage waste treatment management methods, processes, and techniques which will reduce total energy requirements."

COST EFFECTIVENESS

Grants.

SEC. 16. Section 201 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

"(j) The Administrator is authorized to make a grant for any treatment works utilizing processes and techniques meeting the guide-

lines promulgated under section 304(d)(3) of this Act, if the Administrator determines it is in the public interest and if in the cost effectiveness study made of the construction grant application for the purpose of evaluating alternative treatment works, the life cycle cost of the treatment works for which the grant is to be made does not exceed the life cycle cost of the most cost effective alternative by more than 15 per centum.”

33 USC 1314.

FEDERAL GRANT SHARE

SEC. 17. Subsection (a) of section 202 of the Federal Water Pollution Control Act is amended by inserting “(1)” immediately after “(a)” and by inserting at the end thereof the following new paragraphs:

33 USC 1282.

“(2) The amount of any grant made after September 30, 1978, and before October 1, 1981, for any eligible treatment works or significant portion thereof utilizing innovative or alternative wastewater treatment processes and techniques referred to in section 201(g)(5) shall be 85 per centum of the cost of construction thereof. No grant shall be made under this paragraph for construction of a treatment works in any State unless the proportion of the State contribution to the non-Federal share of construction costs for all treatment works in such State receiving a grant under this paragraph is the same as or greater than the proportion of the State contribution (if any) to the non-Federal share of construction costs for all treatment works receiving grants in such State under paragraph (1) of this subsection.

State contributions.

Anne, p. 1569.

“(3) In addition to any grant made pursuant to paragraph (2) of this subsection, the Administrator is authorized to make a grant to fund all of the costs of the modification or replacement of any facilities constructed with a grant made pursuant to paragraph (2) if the Administrator finds that such facilities have not met design performance specifications unless such failure is attributable to negligence on the part of any person and if such failure has significantly increased capital or operating and maintenance expenditures.

Modification and replacement funding.

“(4) For the purposes of this section, the term ‘eligible treatment works’ means those treatment works in each State which meet the requirements of section 201(g)(5) of this Act and which can be fully funded from funds available for such purpose in such State in the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981. Such term does not include collector sewers, interceptors, storm or sanitary sewers or the separation thereof, or major sewer rehabilitation.”

“Eligible treatment works.”

COMBINED GRANTS

SEC. 18. Section 203(a) of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new sentences: “In the case of a treatment works that has an estimated total cost of \$2,000,000 or less (as determined by the Administrator), and the population of the applicant municipality is twenty-five thousand or less (according to the most recent United States census), upon completion of an approved facility plan, a single grant may be awarded for the combined Federal share of the cost of preparing construction plans and specifications, and the building and erection of the treatment works. If any State is found by the Administrator to have unusually high costs of construction, the Administrator may authorize a single grant under the preceding sentence where the estimated total cost of the treatment works does not exceed \$3,000,000.”

33 USC 1283.

CONTRACT ENFORCEMENT

- 33 USC 1283. SEC. 19. Section 203 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:
- “(e) At the request of a grantee under this title, the Administrator is authorized to provide technical and legal assistance in the administration and enforcement of any contract in connection with treatment works assisted under this title, and to intervene in any civil action involving the enforcement of such a contract.”.

PRIORITY

- Grants.
33 USC 1284. SEC. 20. Section 204(a)(3) of the Federal Water Pollution Control Act is amended by inserting immediately after the word “Act” the following: “, except that any priority list developed pursuant to section 303(e)(3)(H) may be modified by such State in accordance with regulations promulgated by the Administrator to give higher priority for grants for the Federal share of the cost of preparing construction drawings and specifications for any treatment works utilizing processes and techniques meeting the guidelines promulgated under section 304(d)(3) of this Act and for grants for the combined Federal share of the cost of preparing construction drawings and specifications and the building and erection of any treatment works meeting the requirements of the next to the last sentence of section 203(a) of this Act which utilizes processes and techniques meeting the guidelines promulgated under section 304(d)(3) of this Act.”.
- 33 USC 1313.
- Post*, p. 1588.

RESERVE CAPACITY

- Grant eligibility. SEC. 21. Section 204(a)(5) of the Federal Water Pollution Control Act is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a comma and the following: “after taking into account, in accordance with regulations promulgated by the Administrator, efforts to reduce total flow of sewage and unnecessary water consumption. The amount of reserve capacity eligible for a grant under this title shall be determined by the Administrator taking into account the projected population and associated commercial and industrial establishments within the jurisdiction of the applicant to be served by such treatment works as identified in an approved facilities plan, an areawide plan under section 208, or an applicable municipal master plan of development. For the purpose of this paragraph, section 208, and any such plan, projected population shall be determined on the basis of the latest information available from the United States Department of Commerce or from the States as the Administrator, by regulation, determines appropriate.”.
- 33 USC 1288.

USER CHARGES

SEC. 22. (a) Paragraph (1) of subsection (b) of section 204 of the Federal Water Pollution Control Act is amended—

- (1) by striking out in clause (A) “proportionate share” and inserting in lieu thereof “proportionate share (except as otherwise provided in this paragraph)”;
- (2) by adding at the end of such paragraph (1) the following: “In any case where an applicant which, as of the date of enactment of this sentence, uses a system of dedicated ad valorem taxes and the Administrator determines that the applicant has a system of charges which results in the distribution of operation and
- Ad valorem tax systems.

maintenance costs for treatment works within the applicant's jurisdiction, to each user class, in proportion to the contribution to the total cost of operation and maintenance of such works by each user class (taking into account total waste water loading of such works, the constituent elements of the wastes, and other appropriate factors), and such applicant is otherwise in compliance with clause (A) of this paragraph with respect to each industrial user, then such dedicated ad valorem tax system shall be deemed to be the user charge system meeting the requirements of clause (A) of this paragraph for the residential user class and such small non-residential user classes as defined by the Administrator. In defining small non-residential users, the Administrator shall consider the volume of wastes discharged into the treatment works by such users and the constituent elements of such wastes as well as such other factors as he deems appropriate."

(b) Subsection (b) of section 204 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new paragraph:

"(5) A system of charges which meets the requirement of clause (A) of paragraph (1) of this subsection may be based on something other than metering the sewage or water supply flow of residential recipients of waste treatment services, including ad valorem taxes. If the system of charges is based on something other than metering the Administrator shall require (A) the applicant to establish a system by which the necessary funds will be available for the proper operation and maintenance of the treatment works; and (B) the applicant to establish a procedure under which the residential user will be notified as to that portion of his total payment which will be allocated to the cost of the waste treatment services."

Systems of
charges,
requirements.
33 USC 1284.

WATER CONSERVATION

SEC. 23. Section 204(b) (3) of the Federal Water Pollution Control Act is amended by adding at the end thereof the following: "Notwithstanding paragraph (1) (B) of this subsection, subject to the approval of the Administrator, a grantee that received a grant prior to the enactment of the Clean Water Act of 1977 may reduce the amounts required to be paid to such grantee by any industrial user of waste treatment services under such paragraph, if such grantee requires such industrial user to adopt other means of reducing the demand for waste treatment services through reduction in the total flow of sewage or unnecessary water consumption, in proportion to such reduction as determined in accordance with regulations promulgated by the Administrator."

Waste treatment
service charges,
reduction.

INDUSTRIAL COST RECOVERY

SEC. 24. (a) Section 204(b) (3) (B) of the Federal Water Pollution Control Act is amended by inserting after "necessary for" the following: "the administrative costs associated with the requirement of paragraph (1) (B) of this subsection and".

(b) Section 204(b) of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new paragraph:

"(6) The Administrator is authorized to exempt from the requirement of paragraph (1) (B) of this subsection any industrial user with a flow into such treatment works per day equivalent to twenty-five thousand gallons or less per day of sanitary waste, if such industrial user does not introduce into such treatment works any pollutant which

Service charges
for industrial
users,
exemptions.

interferes or is incompatible with, or contaminates or reduces the utility of the sludge of such works.”.

33 USC 1284.

(c) Section 204(b)(1)(B) of the Federal Water Pollution Control Act is amended by inserting before the semicolon the following: “(which such portion, in the discretion of the applicant, may be recovered from industrial users of the total waste treatment system as distinguished from the treatment works for which the grant is made)”.

ALLOTMENT

Grant funds.
33 USC 1285.

SEC. 25. (a) The first sentence of subsection (a) of section 205 of the Federal Water Pollution Control Act is amended by striking out “June 30, 1972,” and inserting in lieu thereof “June 30, 1972, and before September 30, 1977.”.

33 USC 1287.

(b) Such section 205 is further amended by adding at the end thereof the following new subsections:

“(c) Sums authorized to be appropriated pursuant to section 207 for the fiscal years during the period beginning October 1, 1977, and ending September 30, 1981, shall be allotted for each such year by the Administrator not later than the tenth day which begins after the date of enactment of the Clean Water Act of 1977. Notwithstanding any other provision of law, sums authorized for the fiscal years ending September 30, 1978, September 30, 1979, September 30, 1980, and September 30, 1981, shall be allotted in accordance with table 3 of Committee Print Numbered 95-30 of the Committee on Public Works and Transportation of the House of Representatives.

Funds,
obligation.
Reallotment.

“(d) Sums allotted to the States for a fiscal year shall remain available for obligation for the fiscal year for which authorized and for the period of the next succeeding twelve months. The amount of any allotment not obligated by the end of such twenty-four-month period shall be immediately reallotted by the Administrator on the basis of the same ratio as applicable to sums allotted for the then current fiscal year, except that none of the funds reallotted by the Administrator for fiscal year 1978 and for fiscal years thereafter shall be allotted to any State which failed to obligate any of the funds being reallotted. Any sum made available to a State by reallotment under this subsection shall be in addition to any funds otherwise allotted to such State for grants under this title during any fiscal year.

Minimum State
allotments.

“(e) For the fiscal years 1978, 1979, 1980, and 1981, no State shall receive less than one-half of 1 per centum of the total allotment under subsection (c) of this section, except that in the case of Guam, Virgin Islands, American Samoa, and the Trust Territories not more than thirty-three one-hundredths of 1 per centum in the aggregate shall be allotted to all four of these jurisdictions. For the purpose of carrying out this subsection there are authorized to be appropriated, subject to such amounts as are provided in appropriation Acts, not to exceed \$75,000,000 for each of fiscal years 1978, 1979, 1980, and 1981. If for any fiscal year the amount appropriated under authority of this subsection is less than the amount necessary to carry out this subsection, the amount each State receives under this subsection for such year shall bear the same ratio to the amount such State would have received under this subsection in such year if the amount necessary to carry it out had been appropriated as the amount appropriated for such year bears to the amount necessary to carry out this subsection for such year.

Appropriation
authorization.

“(f) Notwithstanding any other provision of this section, sums made available between January 1, 1975, and March 1, 1975, by the

Administrator for obligation shall be available for obligation until September 30, 1978.”

STATE MANAGEMENT ASSISTANCE

Sec. 26. (a) Section 205 of the Federal Water Pollution Control Act is amended by adding after new subsection (f) the following new subsection:

Reserved funds,
grants.
33 USC 1285.

“(g) (1) The Administrator is authorized to reserve each fiscal year not to exceed 2 per centum of the allotment made to each State under this section on or after October 1, 1977, or \$400,000 whichever amount is the greater. Sums so reserved shall be available for making grants to such State under paragraph (2) of this subsection for the same period as sums are available from such allotment under subsection (d) of this section, and any such grant shall be available for obligation only during such period. Any grant made from sums reserved under this subsection which has not been obligated by the end of the period for which available shall be added to the amount last allotted to such State under this section and shall be immediately available for obligation in the same manner and to the same extent as such last allotment.

“(2) The Administrator is authorized to grant to any State from amounts reserved to such State under this subsection, the reasonable costs of administering any aspects of sections 201, 203, 204, and 212 of this Act the responsibility for administration of which the Administrator has delegated to such State. The Administrator may increase such grant to take into account the reasonable costs of administering an approved program under section 402 or 404, administering a statewide waste treatment management planning program under section 208(b)(4), and managing waste treatment construction grants for small communities.”

33 USC 1281,
1283, 1284,
1292.

33 USC 1342,
1344.
Post, p. 1577.

(b) Section 101(b) of Federal Water Pollution Control Act is amended by inserting immediately after the first sentence the following new sentence: “It is the policy of Congress that the States manage the construction grant program under this Act and implement the permit programs under sections 402 and 404 of this Act.”

Construction
grant programs.
33 USC 1251.

SET ASIDE FOR ALTERNATIVE SYSTEMS FOR SMALL COMMUNITIES

Sec. 27. Section 205 of Federal Water Pollution Control Act is amended by adding after new subsection (g) a new subsection as follows:

“(h) The Administrator shall set aside from funds authorized for each fiscal year beginning on or after October 1, 1978, four per centum of the sums allotted to any State with a rural population of 25 per centum or more of the total population of such State, as determined by the Bureau of the Census. The Administrator may set aside no more than four per centum of the sums allotted to any other State for which the Governor requests such action. Such sums shall be available only for alternatives to conventional sewage treatment works for municipalities having a population of three thousand five hundred or less, or for the highly dispersed sections of larger municipalities, as defined by the Administrator.”

FUNDING

Sec. 28. Section 205 of the Federal Water Pollution Control Act is further amended by adding at the end thereof the following new subsection:

Grant increases.

Ante, p. 1571.

“(i) Not less than one-half of one per centum of funds allotted to a State for each of the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981, under subsection (a) of this section shall be expended only for increasing the Federal share of grants for construction of treatment works utilizing innovative processes and techniques from 75 per centum to 85 per centum pursuant to section 202(a)(2) of this Act. Including the expenditures authorized by the preceding sentence, a total of two per centum of the funds allotted to a State for each of the fiscal years ending September 30, 1979, and September 30, 1980, and 3 per centum of the funds allotted to a State for the fiscal year ending September 30, 1981, under subsection (a) of this section shall be expended only for increasing grants for construction of treatment works from 75 per centum to 85 per centum pursuant to section 202(a)(2) of this Act.”.

REIMBURSEMENT AND ADVANCED CONSTRUCTION

33 USC 1286.

SEC. 29. (a) Subsection (a) of section 206 of the Federal Water Pollution Control Act is amended by striking out “July 1, 1972,” and inserting in lieu thereof “July 1, 1973,”.

Applications,
filing date.

33 USC 1286
note.

(b) Notwithstanding section 206(c) of the Federal Water Pollution Control Act and section 2 of Public Law 93-207, in the case of publicly owned treatment works for which a grant was made under the Federal Water Pollution Control Act, as amended by the Water Pollution Control Act amendments of 1956 (Public Law 660, 84th Congress) before July 1, 1972, and on which construction was initiated before July 1, 1973, applications for assistance under such section 206 shall be filed not later than the ninetieth day after the date of enactment of the Clean Water Act of 1977.

33 USC 1251
note.

CONSTRUCTION GRANT AUTHORIZATIONS

33 USC 1287.

SEC. 30. Section 207 of the Federal Water Pollution Control Act is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: “and subject to such amounts as are provided in appropriation Acts, for the fiscal year ending September 30, 1977, \$1,000,000,000 for the fiscal year ending September 30, 1978, \$4,500,000,000 and for the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982, not to exceed \$5,000,000,000 per fiscal year.”.

AREAWIDE PLANNING

Initial plans,
certification and
submittal.
33 USC 1288.

SEC. 31. (a) Section 208(b)(1) of the Federal Water Pollution Control Act is amended by inserting “(A)” after “(b)(1)” and by adding at the end thereof the following new subparagraph:

“(B) For any agency designated after 1975 under subsection (a) of this section and for all portions of a State for which the State is required to act as the planning agency in accordance with subsection (a)(6), the initial plan prepared in accordance with such process shall be certified by the Governor and submitted to the Administrator not later than three years after the receipt of the initial grant award authorized under subsection (f) of this section.”.

Grants.

(b) Section 208(f)(2) of the Federal Water Pollution Control Act is amended to read as follows:

“(2) For the two-year period beginning on the date the first grant is made under paragraph (1) of this subsection to an agency, if such first grant is made before October 1, 1977, the amount of each such

grant to such agency shall be 100 per centum of the costs of developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section, and thereafter the amount granted to such agency shall not exceed 75 per centum of such costs in each succeeding one-year period. In the case of any other grant made to an agency under such paragraph (1) of this subsection, the amount of such grant shall not exceed 75 per centum of the costs of developing and operating a continuing areawide waste treatment management planning process in any year.”

(c) The second sentence of section 208(f) (3) of the Federal Water Pollution Control Act is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: “subject to such amounts as are provided in appropriation Acts.” 33 USC 1288.

AREAWIDE WASTE TREATMENT MANAGEMENT

Sec. 32. Section 208(b) (2) (A) of the Federal Water Pollution Control Act is amended by inserting before the semicolon a comma and the following: “and an identification of open space and recreation opportunities that can be expected to result from improved water quality, including consideration of potential use of lands associated with treatment works and increased access to water-based recreation”.

IRRIGATION RETURN FLOWS

Sec. 33. (a) Section 208(b) (2) (F) of the Federal Water Pollution Control Act is amended by adding after “sources of pollution, including” the following: “return flows from irrigated agriculture, and their cumulative effects.”

(b) Section 502(14) of the Federal Water Pollution Control Act is amended by adding at the end thereof the following: “This term does not include return flows from irrigated agriculture.” 33 USC 1362.

(c) Section 402 of the Federal Water Pollution Control Act is amended by adding at the end thereof a new subsection as follows: “(1) The Administrator shall not require a permit under this section for discharges composed entirely of return flows from irrigated agriculture, nor shall the Administrator directly or indirectly, require any State to require such a permit.” Permit requirements. 33 USC 1342.

STATE BEST MANAGEMENT PRACTICES PROGRAM

Sec. 34. (a) Paragraph (4) of subsection (b) of section 208 of the Federal Water Pollution Control Act is amended—

(1) by inserting “(A)” immediately after “(4)”;

(2) by striking out “to the Administrator for application to all regions within such State.” and inserting in lieu thereof “to the Administrator for approval for application to a class or category of activity throughout such State.”; and

(3) by inserting at the end thereof the following new subparagraphs:

“(B) Any program submitted under subparagraph (A) of this paragraph which, in whole or in part, is to control the discharge or other placement of dredged or fill material into the navigable waters shall include the following:

“(i) A consultation process which includes the State agency with primary jurisdiction over fish and wildlife resources.

Dredged or fill material, placement.

33 USC 1344.

33 USC 1317,
1343.Statewide
regulatory
programs, permit
requirements.Program
approval
withdrawal.U.S. Fish and
Wildlife Service,
technical
assistance.
33 USC 1288.Appropriation
authorization.

“(ii) A process to identify and manage the discharge or other placement of dredged or fill material which adversely affects navigable waters, which shall complement and be coordinated with a State program under section 404 conducted pursuant to this Act.

“(iii) A process to assure that any activity conducted pursuant to a best management practice will comply with the guidelines established under section 404(b) (1), and sections 307 and 403 of this Act.

“(iv) A process to assure that any activity conducted pursuant to a best management practice can be terminated or modified for cause including, but not limited to, the following:

“(I) violation of any condition of the best management practice;

“(II) change in any activity that requires either a temporary or permanent reduction or elimination of the discharge pursuant to the best management practice.

“(v) A process to assure continued coordination with Federal and Federal-State water-related planning and reviewing processes, including the National Wetlands Inventory.

“(C) If the Governor of a State obtains approval from the Administrator of a statewide regulatory program which meets the requirements of subparagraph (B) of this paragraph and if such State is administering a permit program under section 404 of this Act, no person shall be required to obtain an individual permit pursuant to such section, or to comply with a general permit issued pursuant to such section, with respect to any appropriate activity within such State for which a best management practice has been approved by the Administrator under the program approved by the Administrator pursuant to this paragraph.

“(D) (i) Whenever the Administrator determines after public hearing that a State is not administering a program approved under this section in accordance with the requirements of this section, the Administrator shall so notify the State, and if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such program. The Administrator shall not withdraw approval of any such program unless he shall first have notified the State, and made public, in writing, the reasons for such withdrawal.

“(ii) In the case of a State with a program submitted and approved under this paragraph, the Administrator shall withdraw approval of such program under this subparagraph only for a substantial failure of the State to administer its program in accordance with the requirements of this paragraph.”.

(b) Section 208 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

“(i) (1) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall, upon request of the Governor of a State, and without reimbursement, provide technical assistance to such State in developing a statewide program for submission to the Administrator under subsection (b) (4) (B) of this section and in implementing such program after its approval.

“(2) There is authorized to be appropriated to the Secretary of the Interior \$6,000,000 to complete the National Wetlands Inventory of the United States, by December 31, 1981, and to provide information from such Inventory to States as it becomes available to assist such States in the development and operation of programs under this Act.”.

AGRICULTURAL COST SHARING

SEC. 35. Section 208 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

“(j) (1) The Secretary of Agriculture, with the concurrence of the Administrator, and acting through the Soil Conservation Service and such other agencies of the Department of Agriculture as the Secretary may designate, is authorized and directed to establish and administer a program to enter into contracts, subject to such amounts as are provided in advance by appropriation acts, of not less than five years nor more than ten years with owners and operators having control of rural land for the purpose of installing and maintaining measures incorporating best management practices to control nonpoint source pollution for improved water quality in those States or areas for which the Administrator has approved a plan under subsection (b) of this section where the practices to which the contracts apply are certified by the management agency designated under subsection (c) (1) of this section to be consistent with such plans and will result in improved water quality. Such contracts may be entered into during the period ending not later than September 31, 1988. Under such contracts the land owner or operator shall agree—

Contracts
program,
establishment
and
administration.
33 USC 1288.

“(i) to effectuate a plan approved by a soil conservation district, where one exists, under this section for his farm, ranch, or other land substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary;

Contract terms.

“(ii) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments and grants received thereunder, with interest, upon his violation of the contract at any stage during the time he has control of the land if the Secretary, after considering the recommendations of the soil conservation district, where one exists, and the Administrator, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the contract;

“(iii) upon transfer of his right and interest in the farm, ranch, or other land during the contract period to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder, with interest, unless the transferee of any such land agrees with the Secretary to assume all obligations of the contract;

“(iv) not to adopt any practice specified by the Secretary on the advice of the Administrator in the contract as a practice which would tend to defeat the purposes of the contract;

“(v) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of the program or to facilitate the practical administration of the program.

“(2) In return for such agreement by the landowner or operator the Secretary shall agree to provide technical assistance and share the cost of carrying out those conservation practices and measures set forth in the contract for which he determines that cost sharing is appropriate and in the public interest and which are approved for cost shar-

Technical and
financial
assistance.

ing by the agency designated to implement the plan developed under subsection (b) of this section. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the installation of the water quality management practices and measures under the contract, but not to exceed 50 per centum of the total cost of the measures set forth in the contract; except the Secretary may increase the matching cost share where he determines that (1) the main benefits to be derived from the measures are related to improving offsite water quality, and (2) the matching share requirement would place a burden on the landowner which would probably prevent him from participating in the program.

Contract
termination.

“(3) The Secretary may terminate any contract with a landowner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof or to accomplish equitable treatment with respect to other conservation, land use, or water quality programs.

“(4) In providing assistance under this subsection the Secretary will give priority to those areas and sources that have the most significant effect upon water quality. Additional investigations or plans may be made, where necessary, to supplement approved water quality management plans, in order to determine priorities.

Administration
agreements
reports and costs.

“(5) The Secretary shall, where practicable, enter into agreements with soil conservation districts, State soil and water conservation agencies, or State water quality agencies to administer all or part of the program established in this subsection under regulations developed by the Secretary. Such agreements shall provide for the submission of such reports as the Secretary deems necessary, and for payment by the United States of such portion of the costs incurred in the administration of the program as the Secretary may deem appropriate.

“(6) The contracts under this subsection shall be entered into only in areas where the management agency designated under subsection (c)(1) of this section assures an adequate level of participation by owners and operators having control of rural land in such areas. Within such areas the local soil conservation district, where one exists, together with the Secretary of Agriculture, will determine the priority of assistance among individual land owners and operators to assure that the most critical water quality problems are addressed.

Regulations.
Post, p. 1588.

“(7) The Secretary, in consultation with the Administrator and subject to section 304(k) of this Act, shall, not later than September 30, 1978, promulgate regulations for carrying out this subsection and for support and cooperation with other Federal and non-Federal agencies for implementation of this subsection.

“(8) This program shall not be used to authorize or finance projects that would otherwise be eligible for assistance under the terms of Public Law 83-566.

16 USC 1001
note.
Appropriation
authorization.

“(9) There are hereby authorized to be appropriated to the Secretary of Agriculture \$200,000,000 for fiscal year 1979 and \$400,000,000 for fiscal year 1980, to carry out this subsection. The program authorized under this subsection shall be in addition to, and not in substitution of, other programs in such area authorized by this or any other public law.”

GRANT ELIGIBLE CATEGORIES

SEC. 36. Section 211 of the Federal Water Pollution Control Act is amended by inserting “(a)” immediately after “SEC. 211.” and by adding at the end thereof the following new subsections: 13 USC 1291.

“(b) If the Administrator uses population density as a test for determining the eligibility of a collector sewer for assistance it shall be only for the purpose of evaluating alternatives and determining the needs for such system in relation to ground or surface water quality impact.

“(c) No grant shall be made under this title from funds authorized for any fiscal year during the period beginning October 1, 1977, and ending September 30, 1982, for treatment works for control of pollutant discharges from separate storm sewer systems.”. Limitation.

WASTEWATER STORAGE

SEC. 37. Section 212(2) (A) of the Federal Water Pollution Control Act is amended by inserting “(including land used for the storage of treated wastewater in land treatment systems prior to land application)” after the word “process”. 33 USC 1292.

PUBLIC INFORMATION PROGRAM

SEC. 38. Title II of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new section:

“PUBLIC INFORMATION

“SEC. 214. The Administrator shall develop and operate within one year of the date of enactment of this section, a continuing program of public information and education on recycling and reuse of wastewater (including sludge), the use of land treatment, and methods for the reduction of wastewater volume.”. 33 USC 1294.

BUY AMERICAN

SEC. 39. Title II of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new section:

“REQUIREMENTS FOR AMERICAN MATERIALS

“SEC. 215. Notwithstanding any other provision of law, no grant for which application is made after February 1, 1978, shall be made under this title for any treatment works unless only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States, substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States will be used in such treatment works. This section shall not apply in any case where the Administrator determines, based upon those factors the Administrator deems relevant, including the available resources of the agency, it to be inconsistent with the public interest (including multilateral government procurement agreements) or the cost to be unreasonable, or if articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the 33 USC 1295.

United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.”

DETERMINATION OF PRIORITY

SEC. 40. Title II of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new section:

“DETERMINATION OF PRIORITY

Project category
hearing.
33 USC 1296.

“SEC. 216. Notwithstanding any other provision of this Act, the determination of the priority to be given each category of projects for construction of publicly owned treatment works within each State shall be made solely by that State, except that if the Administrator, after a public hearing, determines that a specific project will not result in compliance with the enforceable requirements of this Act, such project shall be removed from the State’s priority list and such State shall submit a revised priority list. These categories shall include, but not be limited to (A) secondary treatment, (B) more stringent treatment, (C) infiltration-in-flow correction, (D) major sewer system rehabilitation, (E) new collector sewers and appurtenances, (F) new interceptors and appurtenances, and (G) correction of combined sewer overflows. Not less than 25 per centum of funds allocated to a State in any fiscal year under this title for construction of publicly owned treatment works in such State shall be obligated for those types of projects referred to in clauses (D), (E), (F), and (G) of this section, if such projects are on such State’s priority list for that year and are otherwise eligible for funding in that fiscal year.”

COST-EFFECTIVENESS GUIDELINES

SEC. 41. Title II of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new section:

“COST-EFFECTIVENESS GUIDELINES

33 USC 1297.

“SEC. 217. Any guidelines for cost-effectiveness analysis published by the Administrator under this title shall provide for the identification and selection of cost effective alternatives to comply with the objective and goals of this Act and sections 201 (b), 201 (d), 201 (g) (2) (A), and 301 (b) (2) (B) of this Act.”

33 USC 1251
note, 1281,
1311.

TIME LIMITATIONS

SEC. 42. (a) Paragraph (2) of subsection (b) of section 301 of the Federal Water Pollution Control Act is amended—

(1) in subparagraph (A), by striking out “; and” and inserting in lieu thereof a semicolon;

(2) in subparagraph (B), by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new subparagraphs:

“(C) not later than July 1, 1984, with respect to all toxic pollutants referred to in table 1 of Committee Print Numbered 95-30 of the Committee on Public Works and Transportation of the House of Representatives compliance with effluent limitations in accordance with subparagraph (A) of this paragraph;

“(D) for all toxic pollutants listed under paragraph (1) of subsection (a) of section 307 of this Act which are not referred to in subparagraph (C) of this paragraph compliance with effluent limitations in accordance with subparagraph (A) of this paragraph not later than three years after the date such limitations are established; *Post*, p. 1589.

“(E) not later than July 1, 1984, effluent limitations for categories and classes of point sources, other than publicly owned treatment works, which in the case of pollutants identified pursuant to section 304(a) (4) of this Act shall require application of the best conventional pollutant control technology as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) (4) of this Act; and *Post*, p. 1587.

“(F) for all pollutants (other than those subject to subparagraphs (C), (D), or (E) of this paragraph) compliance with effluent limitations in accordance with subparagraph (A) of this paragraph not later than 3 years after the date such limitations are established, or not later than July 1, 1984, whichever is later, but in no case later than July 1, 1987.”

(b) Paragraph (2)(A) of section 301(b) of the Federal Water Pollution Control Act is amended by striking out “not later than July 1, 1983,” and inserting in lieu thereof “for pollutants identified in subparagraphs (C), (D), and (F) of this paragraph,”. 33 USC 1311.

WAIVER FOR CERTAIN POLLUTANTS

SEC. 43. Section 301 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection: *Modifications.*

“(g) (1) The Administrator, with the concurrence of the State, shall modify the requirements of subsection (b) (2) (A) of this section with respect to the discharge of any pollutant (other than pollutants identified pursuant to section 304(a) (4) of this Act, toxic pollutants subject to section 307(a) of this Act, and the thermal component of discharges) from any point source upon a showing by the owner or operator of such point source satisfactory to the Administrator that—

“(A) such modified requirements will result at a minimum in compliance with the requirements of subsection (b) (1) (A) or (C) of this section, whichever is applicable;

“(B) such modified requirements will not result in any additional requirements on any other point or nonpoint source; and

“(C) such modification will not interfere with the attainment or maintenance of that water quality which shall assure protection of public water supplies, and the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities, in and on the water and such modification will not result in the discharge of pollutants in quantities which may reasonably be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity (including carcinogenicity, mutagenicity or teratogenicity), or synergistic propensities.

“(2) If an owner or operator of a point source applies for a modification under this subsection with respect to the discharge of any pollutant, such owner or operator shall be eligible to apply for modification under subsection (c) of this section with respect to such pollutant only during the same time period as he is eligible to apply for a modification under this subsection.”. *Application, eligibility.*

MODIFICATION OF SECONDARY TREATMENT REQUIREMENT

- 33 USC 1311. SEC. 44. Section 301 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:
- 33 USC 1342. “(h) The Administrator, with the concurrence of the State, may issue a permit under section 402 which modifies the requirements of subsection (b) (1) (B) of this section with respect to the discharge of any pollutant in an existing discharge from a publicly owned treatment works into marine waters, if the applicant demonstrates to the satisfaction of the Administrator that—
- Post*, p. 1587. “(1) there is an applicable water quality standard specific to the pollutant for which the modification is requested, which has been identified under section 304(a) (6) of this Act;
- “ (2) such modified requirements will not interfere with the attainment or maintenance of that water quality which assures protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, and allows recreational activities, in and on the water;
- “ (3) the applicant has established a system for monitoring the impact of such discharge on a representative sample of aquatic biota, to the extent practicable;
- “ (4) such modified requirements will not result in any additional requirements on any other point or nonpoint source;
- “ (5) all applicable pretreatment requirements for sources introducing waste into such treatment works will be enforced;
- “ (6) to the extent practicable, the applicant has established a schedule of activities designed to eliminate the entrance of toxic pollutants from nonindustrial sources into such treatment works;
- “ (7) there will be no new or substantially increased discharges from the point source of the pollutant to which the modification applies above that volume of discharge specified in the permit;
- “ (8) any funds available to the owner of such treatment works under title II of this Act will be used to achieve the degree of effluent reduction required by section 201(b) and (g) (2) (A) or to carry out the requirements of this subsection.
- 33 USC 1281. For the purposes of this subsection the phrase ‘the discharge of any pollutant into marine waters’ refers to a discharge into deep waters of the territorial sea or the waters of the contiguous zone, or into saline estuarine waters where there is strong tidal movement and other hydrological and geological characteristics which the Administrator determines necessary to allow compliance with paragraph (2) of this subsection, and section 101(a) (2) of this Act.”.
- 33 USC 1281.
- 33 USC 1251.
- “The discharge of any pollutant into marine waters.”

MUNICIPAL TIME EXTENSIONS

- Request, terms and conditions, filing. *Supra*.
- SEC. 45. Section 301 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:
- “(i) (1) Where construction is required in order for a planned or existing publicly owned treatment works to achieve limitations under subsection (b) (1) (B) or (b) (1) (C) of this section, but (A) construction cannot be completed within the time required in such subsection, or (B) the United States has failed to make financial assistance under this Act available in time to achieve such limitations by the time specified in such subsection, the owner or operator of such treatment works may request the Administrator (or if appropriate the State) to issue a permit pursuant to section 402 of this Act or to modify a permit issued pursuant to that section to extend such time for compliance. Any such

request shall be filed with the Administrator (or if appropriate the State) within 180 days after the date of enactment of this subsection. The Administrator (or if appropriate the State) may grant such request and issue or modify such a permit, which shall contain a schedule of compliance for the publicly owned treatment works based on the earliest date by which such financial assistance will be available from the United States and construction can be completed, but in no event later than July 1, 1983, and shall contain such other terms and conditions, including those necessary to carry out subsections (b) through (g) of section 201 of this Act, section 307 of this Act, and such interim effluent limitations applicable to that treatment works as the Administrator determines are necessary to carry out the provisions of this Act.

33 USC 1281.
33 USC 1317.

33 USC 1251
note.

“(2) (A) Where a point source (other than a publicly owned treatment works) will not achieve the requirements of subsections (b) (1) (A) and (b) (1) (C) of this section and—

“(i) if a permit issued prior to July 1, 1977, to such point source is based upon a discharge into a publicly owned treatment works; or

“(ii) if such point source (other than a publicly owned treatment works) had before July 1, 1977, a contract (enforceable against such point source) to discharge into a publicly owned treatment works; or

“(iii) if either an application made before July 1, 1977, for a construction grant under this Act for a publicly owned treatment works, or engineering or architectural plans or working drawings made before July 1, 1977, for a publicly owned treatment works, show that such point source was to discharge into such publicly owned treatment works,

and such publicly owned treatment works is presently unable to accept such discharge without construction, and in the case of a discharge to an existing publicly owned treatment works, such treatment works has an extension pursuant to paragraph (1) of this subsection, the owner or operator of such point source may request the Administrator (or if appropriate the State) to issue or modify such a permit pursuant to such section 402 to extend such time for compliance. Any such request shall be filed with the Administrator (or if appropriate the State) within 180 days after the date of enactment of this subsection or the filing of a request by the appropriate publicly owned treatment works under paragraph (1) of this subsection, whichever is later. If the Administrator (or if appropriate the State) finds that the owner or operator of such point source has acted in good faith, he may grant such request and issue or modify such a permit, which shall contain a schedule of compliance for the point source to achieve the requirements of subsections (b) (1) (A) and (C) of this section and shall contain such other terms and conditions, including pretreatment and interim effluent limitations and water conservation requirements applicable to that point source, as the Administrator determines are necessary to carry out the provisions of this Act.

33 USC 1342.

“(B) No time modification granted by the Administrator (or if appropriate the State) pursuant to paragraph (2) (A) of this subsection shall extend beyond the earliest date practicable for compliance or beyond the date of any extension granted to the appropriate publicly owned treatment works pursuant to paragraph (1) of this subsection, but in no event shall it extend beyond July 1, 1983; and no such time modification shall be granted unless (i) the publicly owned treatment works will be in operation and available to the point source before

Limitations.

- July 1, 1983, and will meet the requirements of subsections (b) (1) (B) and (C) of this section after receiving the discharge from that point source; and (ii) the point source and the publicly owned treatment works have entered into an enforceable contract requiring the point source to discharge into the publicly owned treatment works, the owner or operator of such point source to pay the costs required under section 204 of this Act, and the publicly owned treatment works to accept the discharge from the point source; and (iii) the permit for such point source requires that point source to meet all requirements under section 307 (a) and (b) during the period of such time modification.”
- 33 USC 1284.
- 33 USC 1317.

PROCEDURE FOR MODIFICATIONS

Applications
conditions.
Ante, p. 1584.

SEC. 46. Section 301 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

“(j) (1) Any application filed under this section for a modification of the provisions of—

“(A) subsection (b) (1) (B) under subsection (h) of this section shall be filed not later than 270 days after the date of enactment of the Clean Water Act of 1977;

“(B) subsection (b) (2) (A) as it applies to pollutants identified in subsection (b) (2) (F) shall be filed not later than 270 days after the date of promulgation of an applicable effluent guideline under section 304 or not later than 270 days after the date of enactment of the Clean Water Act of 1977, whichever is later.

33 USC 1314.

“(2) Any application for a modification filed under subsection (g) of this section shall not operate to stay any requirement under this Act, unless in the judgment of the Administrator such a stay or the modification sought will not result in the discharge of pollutants in quantities which may reasonably be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity (including carcinogenicity, mutagenicity, or teratogenicity), or synergistic propensities, and that there is a substantial likelihood that the applicant will succeed on the merits of such application. In the case of an application filed under subsection (g) of this section, the Administrator may condition any stay granted under this paragraph on requiring the filing of a bond or other appropriate security to assure timely compliance with the requirements from which a modification is sought.”.

INNOVATIVE TECHNOLOGY

Compliance date
extension.
Supra.

SEC. 47. Section 301 of the Federal Water Pollution Control Act is amended by adding at the end thereof a new subsection as follows:

“(k) In the case of any facility subject to a permit under section 402 which proposes to comply with the requirements of subsection (b) (2) (A) of this section by replacing existing production capacity with an innovative production process which will result in an effluent reduction significantly greater than that required by the limitation otherwise applicable to such facility and moves toward the national goal of eliminating the discharge of all pollutants, or with the installation of an innovative control technique that has a substantial likelihood for enabling the facility to comply with the applicable effluent limitation by achieving a significantly greater effluent reduction than that required by the applicable effluent limitation and moves toward the national goal of eliminating the discharge of all pollutants, or by achieving the required reduction with an innovative system that has

the potential for significantly lower costs than the systems which have been determined by the Administrator to be economically achievable, the Administrator (or the State with an approved program under section 402, in consultation with the Administrator) may establish a date for compliance under subsection (b)(2)(A) of this section no later than July 1, 1987, if it is also determined that such innovative system has the potential for industrywide application.”.

INFORMATION AND GUIDELINES

SEC. 48. (a) Section 304(a) of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new paragraphs:

33 USC 1314.

“(4) The Administrator shall, within 90 days after the date of enactment of the Clean Water Act of 1977 and from time to time thereafter, publish and revise as appropriate information identifying conventional pollutants, including but not limited to, pollutants classified as biological oxygen demanding, suspended solids, fecal coliform, and pH. The thermal component of any discharge shall not be identified as a conventional pollutant under this paragraph.

Conventional pollutants, publication and revision.

“(5)(A) The Administrator, to the extent practicable before consideration of any request under section 301(g) of this Act and within six months after the date of enactment of the Clean Water Act of 1977, shall develop and publish information on the factors necessary for the protection of public water supplies, and the protection and propagation of a balanced population of shellfish, fish and wildlife, and to allow recreational activities, in and on the water.

Public water supplies.
Ante, p. 1583.

“(B) The Administrator, to the extent practicable before consideration of any application under section 301(h) of this Act and within six months after the date of enactment of the Clean Water Act of 1977, shall develop and publish information on the factors necessary for the protection of public water supplies, and the protection and propagation of a balanced indigenous population of shellfish, fish and wildlife, and to allow recreational activities, in and on the water.

Ante, p. 1584.

“(6) The Administrator shall, within three months after enactment of the Clean Water Act of 1977 and annually thereafter, for purposes of section 301(h) of this Act publish and revise as appropriate information identifying each water quality standard in effect under this Act or State law, the specific pollutants associated with such water quality standard, and the particular waters to which such water quality standard applies.”.

(b) Section 304(b) of the Federal Water Pollution Control Act is amended—

(1) in paragraph (2)(B), by striking out “; and” and inserting in lieu thereof a semicolon;

(2) in paragraph (3), by striking out the period at the end thereof and inserting in lieu thereof “; and”; and

(3) by adding at the end thereof the following new paragraph:

“(4)(A) identify, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, the degree of effluent reduction attainable through the application of the best conventional pollutant control technology (including measures and practices) for classes and categories of point sources (other than publicly owned treatment works); and

“(B) specify factors to be taken into account in determining the best conventional pollutant control technology measures and practices to comply with section 301(b)(2)(E) of this Act to be

Ante, p. 1582.

Cost analysis.

applicable to any point source (other than publicly owned treatment works) within such categories or classes. Factors relating to the assessment of best conventional pollutant control technology (including measures and practices) shall include consideration of the reasonableness of the relationship between the costs of attaining a reduction in effluents and the effluent reduction benefits derived, and the comparison of the cost and level of reduction of such pollutants from the discharge from publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources, and shall take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate.”.

IDENTIFICATION AND EVALUATION GUIDELINES**Consultation.
33 USC 1314.**

SEC. 49. Subsection (d) of section 304 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new paragraph:

“(3) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall promulgate within one hundred and eighty days after the date of enactment of this subsection guidelines for identifying and evaluating innovative and alternative wastewater treatment processes and techniques referred to in section 201 (g) (5) of this Act.”.

Ante, p. 1569.

BEST MANAGEMENT PRACTICES FOR INDUSTRY**33 USC 1314.**

SEC. 50. Section 304 of the Federal Water Pollution Control Act is amended by inserting immediately after subsection (d) the following new subsection and by redesignating succeeding subsections, including references thereto, accordingly:

Regulations.

“(e) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, may publish regulations, supplemental to any effluent limitations specified under subsections (b) and (c) of this section for a class or category of point sources, for any specific pollutant which the Administrator is charged with a duty to regulate as a toxic or hazardous pollutant under section 307(a) (1) or 311 of this Act, to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage which the Administrator determines are associated with or ancillary to the industrial manufacturing or treatment process within such class or category of point sources and may contribute significant amounts of such pollutants to navigable waters. Any applicable controls established under this subsection shall be included as a requirement for the purposes of section 301, 302, 306, 307, or 403, as the case may be, in any permit issued to a point source pursuant to section 402 of this Act.”.

Post, p. 1589.
33 USC 1321.

**33 USC 1311,
1312, 1316,
1317, 1343.
33 USC 1342.**

INTERAGENCY AGREEMENTS***Supra*.**

SEC. 51. Section 304(k) of the Federal Water Pollution Control Act as redesignated by this Act is amended to read as follows:

“(k) (1) The Administrator shall enter into agreements with the Secretary of Agriculture, the Secretary of the Army, and the Secretary of the Interior, and the heads of such other departments, agencies, and instrumentalities of the United States as the Administrator deter-

mines, to provide for the maximum utilization of other Federal laws and programs for the purpose of achieving and maintaining water quality through appropriate implementation of plans approved under section 208 of this Act.

“(2) The Administrator is authorized to transfer to the Secretary of Agriculture, the Secretary of the Army, and the Secretary of the Interior and the heads of such other departments, agencies, and instrumentalities of the United States as the Administrator determines, any funds appropriated under paragraph (3) of this subsection to supplement funds otherwise appropriated to programs authorized pursuant to any agreement under paragraph (1).

“(3) There is authorized to be appropriated to carry out the provisions of this subsection, \$100,000,000 per fiscal year for the fiscal years 1979 through 1983.”.

33 USC 208.

Funds, transfer.

Appropriation
authorization.

STATE REPORTS

SEC. 52. Subsection (b) of section 305 of the Federal Water Pollution Control Act is amended—

(1) by striking out “January 1, 1975, and shall bring up to date each year thereafter,” in paragraph (1) and inserting in lieu thereof “April 1, 1975, and shall bring up to date by April 1, 1976, and biennially thereafter,”; and

(2) by striking out “annually” in paragraph (2) and inserting in lieu thereof the following: “October 1, 1976, and biennially”.

33 USC 1315.

TOXIC POLLUTANTS

SEC. 53. (a) Paragraphs (1), (2), and (3) of section 307(a) of the Federal Water Pollution Control Act are amended to read as follows:

“(a) (1) On and after the date of enactment of the Clean Water Act of 1977, the list of toxic pollutants or combination of pollutants subject to this Act shall consist of those toxic pollutants listed in table 1 of Committee Print Numbered 95-30 of the Committee on Public Works and Transportation of the House of Representatives, and the Administrator shall publish, not later than the thirtieth day after the date of enactment of the Clean Water Act of 1977, that list. From time to time thereafter, the Administrator may revise such list and the Administrator is authorized to add to or remove from such list any pollutant. The Administrator in publishing any revised list, including the addition or removal of any pollutant from such list, shall take into account toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms, and the nature and extent of the effect of the toxic pollutant on such organisms. A determination of the Administrator under this paragraph shall be final except that if, on judicial review, such determination was based on arbitrary and capricious action of the Administrator, the Administrator shall make a redetermination.

“(2) Each toxic pollutant listed in accordance with paragraph (1) of this subsection shall be subject to effluent limitations resulting from the application of the best available technology economically achievable for the applicable category or class of point sources established in accordance with sections 301(b)(2)(A) and 304(b)(2) of this Act. The Administrator, in his discretion, may publish in the Federal Register a proposed effluent standard (which may include a prohibition) establishing requirements for a toxic pollutant which, if an effluent limitation is applicable to a class or category of point sources,

Effluent
standards list,
publication and
revision.
33 USC 1317.

Redetermination.

Ante, pp. 1583,
1587.
Standards
promulgation,
publication in
Federal Register.

Comments and
public hearing.

Revised
standard.

Ante, pp. 1583,
1587.

Standards review.

Effective date.
33 USC 1317.

Modification
prohibition.
33 USC 1311.

shall be applicable to such category or class only if such standard imposes more stringent requirements. Such published effluent standard (or prohibition) shall take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms, and the extent to which effective control is being or may be achieved under other regulatory authority. The Administrator shall allow a period of not less than sixty days following publication of any such proposed effluent standard (or prohibition) for written comment by interested persons on such proposed standard. In addition, if within thirty days of publication of any such proposed effluent standard (or prohibition) any interested person so requests, the Administrator shall hold a public hearing in connection therewith. Such a public hearing shall provide an opportunity for oral and written presentations, such cross-examination as the Administrator determines is appropriate on disputed issues of material fact, and the transcription of a verbatim record which shall be available to the public. After consideration of such comments and any information and material presented at any public hearing held on such proposed standard or prohibition, the Administrator shall promulgate such standard (or prohibition) with such modification as the Administrator finds are justified. Such promulgation by the Administrator shall be made within two hundred and seventy days after publication of proposed standard (or prohibition). Such standard (or prohibition) shall be final except that if, on judicial review, such standard was not based on substantial evidence, the Administrator shall promulgate a revised standard. Effluent limitations shall be established in accordance with sections 301(b)(2)(A) and 304(b)(2) for every toxic pollutant referred to in table 1 of Committee Print Numbered 95-30 of the Committee on Public Works and Transportation of the House of Representatives as soon as practicable after the date of enactment of the Clean Water Act of 1977, but no later than July 1, 1980. Such effluent limitations or effluent standards (or prohibitions) shall be established for every other toxic pollutant listed under paragraph (1) of this subsection as soon as practicable after it is so listed.

“(3) Each such effluent standard (or prohibition) shall be reviewed and, if appropriate, revised at least every three years.”.

(b) Paragraph (6) of section 307(a) of the Federal Water Pollution Control Act is amended to read as follows:

“(6) Any effluent standard (or prohibition) established pursuant to this section shall take effect on such date or dates as specified in the order promulgating such standard, but in no case, more than one year from the date of such promulgation. If the Administrator determines that compliance within one year from the date of promulgation is technologically infeasible for a category of sources, the Administrator may establish the effective date of the effluent standard (or prohibition) for such category at the earliest date upon which compliance can be feasibly attained by sources within such category, but in no event more than three years after the date of such promulgation.”.

(c) Section 301 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

“(1) The Administrator may not modify any requirement of this section as it applies to any specific pollutant which is on the toxic pollutant list under section 307(a)(1) of this Act.”.

PRETREATMENT

SEC. 54. (a) Section 307(b)(1) of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new sentence: "If, in the case of any toxic pollutant under subsection (a) of this section introduced by a source into a publicly owned treatment works, the treatment by such works removes all or any part of such toxic pollutant and the discharge from such works does not violate that effluent limitation or standard which would be applicable to such toxic pollutant if it were discharged by such source other than through a publicly owned treatment works, and does not prevent sludge use or disposal by such works in accordance with section 405 of this Act, then the pretreatment requirements for the sources actually discharging such toxic pollutant into such publicly owned treatment works may be revised by the owner or operator of such works to reflect the removal of such toxic pollutant by such works."

Requirement
revision.
33 USC 1317.

Infra.

(b) Section 309 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection:

Enforcement,
notification.
Judicial relief.
33 USC 1319.

"(f) Whenever, on the basis of any information available to him, the Administrator finds that an owner or operator of any source is introducing a pollutant into a treatment works in violation of subsection (d) of section 307, the Administrator may notify the owner or operator of such treatment works and the State of such violation. If the owner or operator of the treatment works does not commence appropriate enforcement action within 30 days of the date of such notification, the Administrator may commence a civil action for appropriate relief, including but not limited to, a permanent or temporary injunction, against the owner or operator of such treatment works. In any such civil action the Administrator shall join the owner or operator of such source as a party to the action. Such action shall be brought in the district court of the United States in the district in which the treatment works is located. Such court shall have jurisdiction to restrain such violation and to require the owner or operator of the treatment works and the owner or operator of the source to take such action as may be necessary to come into compliance with this Act. Notice of commencement of any such action shall be given to the State. Nothing in this subsection shall be construed to limit or prohibit any other authority the Administrator may have under this Act."

(c) (1) Section 402(b)(8) of the Federal Water Pollution Control Act is amended by inserting after "includes conditions to require" the following: "the identification in terms of character and volume of pollutants of any significant source introducing pollutants subject to pretreatment standards under section 307(b) of this Act into such works and a program to assure compliance with such pretreatment standards by each such source, in addition to".

State permit
programs.
33 USC 1342.

(2) Any State permit program approved under section 402 of the Federal Water Pollution Control Act before the date of enactment of the Clean Water Act of 1977, which requires modification to conform to the amendment made by paragraph (1) of this subsection, shall not be required to be modified before the end of the one year period which begins on the date of enactment of the Clean Water Act of 1977 unless in order to make the required modification a State must amend or enact a law in which case such modification shall not be required for such State before the end of the two year period which begins on such date of enactment.

Modifications.
33 USC 1342
note.

(d) Section 405 of the Federal Water Pollution Control Act is amended (1) by striking out in subsection (b) thereof "subject to

Sewage sludge
disposal.
33 USC 1345.

this section" and inserting in lieu thereof "subject to subsection (a) of this section", (2) by striking out in subsection (c) thereof "sewage sludge" and inserting in lieu thereof "sewage sludge subject to subsection (a) of this section", and (3) by adding at the end thereof the following new subsections:

Regulations,
consultation and
publication.

"(d) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall develop and publish, within one year after the date of enactment of this subsection and from time to time thereafter, regulations providing guidelines for the disposal of sludge and the utilization of sludge for various purposes. Such regulations shall—

"(1) identify uses for sludge, including disposal;

"(2) specify factors to be taken into account in determining the measures and practices applicable to each such use or disposal (including publication of information on costs);

"(3) identify concentrations of pollutants which interfere with each such use or disposal.

Revision.

The Administrator is authorized to revise any regulation issued under this subsection.

"(e) The determination of the manner of disposal or use of sludge is a local determination except that it shall be unlawful for the owner or operator of any publicly owned treatment works to dispose of sludge from such works for any use for which guidelines have been established pursuant to subsection (d) of this section, except in accordance with such guidelines."

TECHNICAL AND CONFORMING AMENDMENTS

Enforcement,
State compliance
orders.
33 USC 1319.

SEC. 55. (a) Paragraph (1) of subsection (a) of section 309 of the Federal Water Pollution Control Act is amended by striking "or 308" in the first sentence thereof and inserting in lieu thereof "308, 318, or 405".

(b) Paragraph (3) of subsection (a) of section 309 of the Federal Water Pollution Control Act is amended by striking "or 308" in the first sentence thereof and inserting in lieu thereof "308, 318, or 405".

(c) Subsection (d) of section 309 of the Federal Water Pollution Control Act is amended by striking "or 308" in the first sentence thereof and inserting in lieu thereof "308, 318, or 405".

1977 DEADLINES

SEC. 56. (a) The third sentence of section 309(a) (2) of the Federal Water Pollution Control Act is amended by striking out "the Administrator shall" and by inserting in lieu thereof the following: "except where an extension has been granted under paragraph (5) (B) of this subsection, the Administrator shall".

(b) Section 309(a) (4) of the Federal Water Pollution Control Act is amended by striking out the second sentence thereof.

Compliance order
specifications.

(c) Section 309(a) of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new paragraphs:

"(5) (A) Any order issued under this subsection shall be by personal service, shall state with reasonable specificity the nature of the violation, and shall specify a time for compliance not to exceed thirty days in the case of a violation of an interim compliance schedule or operation and maintenance requirement and not to exceed a time the Administrator determines to be reasonable in the case of a violation of a final

deadline, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

“(B) The Administrator may, if he determines (i) that any person who is a violator of, or any person who is otherwise not in compliance with, the time requirements under this Act or in any permit issued under this Act, has acted in good faith, and has made a commitment (in the form of contracts or other securities) of necessary resources to achieve compliance by the earliest possible date after July 1, 1977, but not later than April 1, 1979; (ii) that any extension under this provision will not result in the imposition of any additional controls on any other point or nonpoint source; (iii) that an application for a permit under section 402 of this Act was filed for such person prior to December 31, 1974; and (iv) that the facilities necessary for compliance with such requirements are under construction, grant an extension of the date referred to in section 301(b)(1)(A) to a date which will achieve compliance at the earliest time possible but not later than April 1, 1979.

Extension.

33 USC 1342.

33 USC 1311.

“(6) Whenever, on the basis of information available to him, the Administrator finds (A) that any person is in violation of section 301(b)(1)(A) or (C) of this Act, (B) that such person cannot meet the requirements for a time extension under section 301(i)(2) of this Act, and (C) that the most expeditious and appropriate means of compliance with this Act by such person is to discharge into a publicly owned treatment works, then, upon request of such person, the Administrator may issue an order requiring such person to comply with this Act at the earliest date practicable, but not later than July 1, 1983, by discharging into a publicly owned treatment works if such works concur with such order. Such order shall include a schedule of compliance.”.

MITIGATION COSTS

SEC. 57. Subsection (b) of section 311 of the Federal Water Pollution Control Act is amended by adding a new clause (v) to paragraph (2) (B) as follows:

Oil and
hazardous
substance
liability.
33 USC 1321.

“(v) In addition to establishing a penalty for the discharge of a hazardous substance determined not to be removable pursuant to clauses (ii) through (iv) of this subparagraph, the Administrator may act to mitigate the damage to the public health or welfare caused by such discharge. The cost of such mitigation shall be deemed a cost incurred under subsection (c) of this section for the removal of such substance by the United States Government.”.

OILSPILL LIABILITY

SEC. 58. (a)(1) Section 311(b)(1) of the Federal Water Pollution Control Act is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: “or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976).”.

43 USC 1331
note.33 USC 1501
note.16 USC 1801
note.

(2) Section 311(b)(2)(A) of the Federal Water Pollution Control Act as amended by inserting after “the contiguous zone” the following: “or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or which may affect natural resources belonging to, appertaining to, or under the exclusive

16 USC 1801
note.
33 USC 1321.

43 USC 1331
note.
33 USC 1501
note.

management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976)".

(3) Section 311(b)(3) of the Federal Water Pollution Control Act is amended by inserting "(i)" immediately after "The discharge of oil or hazardous substances" and by inserting after the phrase "into or upon the waters of the contiguous zone" a comma and the following: "or (ii) in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976)".

(4) Section 311(b)(3)(A) of the Federal Water Pollution Control Act is amended by inserting "or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976)" immediately after "waters of the contiguous zone", and by striking out "article IV of".

(5) Section 311(b)(4) of the Federal Water Pollution Control Act is amended by striking all after "beaches" and inserting a period.

(6) Section 311(b)(5) of the Federal Water Pollution Control Act is amended by inserting after "Any such person" in the second sentence "(A) in charge of a vessel from which oil or a hazardous substance is discharged in violation of paragraph (3)(i) of this subsection, or (B) in charge of a vessel from which oil or a hazardous substance is discharged in violation of paragraph (3)(ii) of this subsection and who is otherwise subject to the jurisdiction of the United States, or (C) in charge of an onshore facility or an offshore facility."

(7) The first sentence of section 311(b)(6) of the Federal Water Pollution Control Act is amended by striking out "Any owner or operator of any vessel, or shore facility," and inserting in lieu thereof "Any owner, operator, or person in charge of any onshore facility".

Penalty.

(8) Section 311(b)(6) of the Federal Water Pollution Control Act is amended by inserting immediately after the first sentence thereof the following: "Any owner, operator, or person in charge of any vessel from which oil or a hazardous substance is discharged in violation of paragraph (3)(i) of this subsection, and any owner, operator, or person in charge of a vessel from which oil or a hazardous substance is discharged in violation of paragraph (3)(ii) who is otherwise subject to the jurisdiction of the United States, shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than \$5,000 for each offense."

(b) Section 311(c)(1) of the Federal Water Pollution Control Act is amended by inserting after "discharged," the following: "or there is a substantial threat of such discharge."

(c)(1) Section 311(c)(1) of the Federal Water Pollution Control Act is further amended by inserting after "contiguous zone," the following: "or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976)".

(2) The last sentence of section 311(d) of the Federal Water Pollution Control Act is amended by inserting after "under this subsection" the following: "or under the Intervention on the High Seas Act (or the convention defined in section 2(3) thereof)".

33 USC 1471
note.

(3) Section 311(j) (2) of the Federal Water Pollution Control Act is amended by inserting immediately after the first sentence the following: "This paragraph shall not apply to any owner or operator of any vessel from which oil or a hazardous substance is discharged in violation of paragraph (3)(ii) of subsection (b) unless such owner, operator, or person in charge is otherwise subject to the jurisdiction of the United States."

Penalty.
33 USC 1321.

(d) (1) Section 311(a) of the Federal Water Pollution Control Act is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and by adding at the end thereof the following new paragraphs:

Definitions.

"(15) 'inland oil barge' means a non-self-propelled vessel carrying oil in bulk as cargo and certificated to operate only in the inland waters of the United States, while operating in such waters;

"(16) 'inland waters of the United States' means those waters of the United States lying inside the baseline from which the territorial sea is measured and those waters outside such baseline which are a part of the Gulf Intracoastal Waterway."

(2) Section 311(f) (1) of the Federal Water Pollution Control Act is amended by striking out "\$100 per gross ton of such vessel or \$14,000,000, whichever is lesser," and inserting in lieu thereof the following: "in the case of an inland oil barge \$125 per gross ton of such barge, or \$125,000, whichever is greater, and in the case of any other vessel, \$150 per gross ton of such vessel (or, for a vessel carrying oil or hazardous substances as cargo, \$250,000), whichever is greater,".

Actual removal
costs liability.

(3) Section 311(g) of the Federal Water Pollution Control Act is amended by striking out "\$100 per gross ton of such vessel or \$14,000,000, whichever is the lesser," and inserting in lieu thereof the following: "in the case of an inland oil barge \$125 per gross ton of such barge, or \$125,000, whichever is greater, and in the case of any other vessel, \$150 per gross ton of such vessel (or, for a vessel carrying oil or hazardous substances as cargo, \$250,000), whichever is greater,".

Third party
liability.

(4) Section 311(p) (1) of the Federal Water Pollution Control Act is amended by striking out "\$100 per gross ton, or \$14,000,000 whichever is the lesser," and inserting in lieu thereof the following: "in the case of an inland oil barge \$125 per gross ton of such barge, or \$125,000, whichever is greater, and in the case of any other vessel, \$150 per gross ton of such vessel (or, for a vessel carrying oil or hazardous substances as cargo, \$250,000), whichever is greater,".

Financial
responsibility.

(5) Section 311(f) (2) of the Federal Water Pollution Control Act is amended by striking out "\$8,000,000" and inserting in lieu thereof "\$50,000,000".

(6) Section 311(f) (3) of the Federal Water Pollution Control Act is amended by striking out "\$8,000,000" and inserting in lieu thereof "\$50,000,000".

(e) Section 311(c) (2) (D) of the Federal Water Pollution Control Act is amended by striking out "to the appropriate Federal agency;" and inserting in lieu thereof "and imminent threats of such discharges to the appropriate State and Federal agencies;".

(f) Section 311(g) of the Federal Water Pollution Control Act is amended by inserting after "(g)" the following: "Where the owner or operator of a vessel (other than an inland oil barge) carrying oil or hazardous substances as cargo or an onshore or offshore facility which handles or stores oil or hazardous substances in bulk, from which oil or a hazardous substance is discharged in violation of subsection (b) of this section, alleges that such discharge was caused solely by an act

Payment rights.

Actual removal
costs liability.
33 USC 1321.

or omission of a third party, such owner or operator shall pay to the United States Government the actual costs incurred under subsection (c) for removal of such oil or substance and shall be entitled by subrogation to all rights of the United States Government to recover such costs from such third party under this subsection.”

(g) Section 311(f) of the Federal Water Pollution Control Act is amended by adding the following new paragraphs:

“(4) The costs of removal of oil or a hazardous substance for which the owner or operator of a vessel or onshore or offshore facility is liable under subsection (f) of this section shall include any costs or expenses incurred by the Federal Government or any State government in the restoration or replacement of natural resources damaged or destroyed as a result of a discharge of oil or a hazardous substance in violation of subsection (b) of this section.

Cost recovery.

“(5) The President, or the authorized representative of any State, shall act on behalf of the public as trustee of the natural resources to recover for the costs of replacing or restoring such resources. Sums recovered shall be used to restore, rehabilitate, or acquire the equivalent of such natural resources by the appropriate agencies of the Federal Government, or the State government.”

Effective date.
33 USC 1321
note.

(h) The amendments made by paragraphs (5) and (6) of subsection (d) of this section shall take effect 180 days after the date of enactment of the Clean Water Act of 1977.

Limitations.

(i) Section 311 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsections:

“(q) The President is authorized to establish, with respect to any class or category of onshore or offshore facilities, a maximum limit of liability under subsections (f) (2) and (3) of this section of less than \$50,000,000, but not less than \$8,000,000.

“(r) Nothing in this section shall be construed to impose, or authorize the imposition of, any limitation on liability under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974.”

43 USC 1331
note.
33 USC 1501
note.
Effective date.
33 USC 1321
note.

(j) No vessel subject to the increased amounts which result from the amendments made by subsections (d) (2), (d) (3), and (d) (4) of this section shall be required to establish any evidence of financial responsibility under section 311(p) of the Federal Water Pollution Control Act for such increased amounts before October 1, 1978.

(k) Section 311(a)(11) of the Federal Water Pollution Control Act is amended by inserting immediately after “United States” a comma and the following: “and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters.”

(l) The first sentence of section 311(k) of the Federal Water Pollution Control Act is amended by striking out “not to exceed” and inserting in lieu thereof the following: “such sums as may be necessary to maintain such fund at a level of”.

(m) Section 311(i)(2) of the Federal Water Pollution Control Act is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: “or the Deepwater Port Act of 1974.”

MARINE SANITATION DEVICES

Definitions.
33 USC 1322.

SEC. 59. (a) Section 312(a)(6) of the Federal Water Pollution Control Act is amended by adding before the semicolon at the end thereof the following: “except that, with respect to commercial vessels on the Great Lakes, such term shall include graywater”.

(b) Section 312(a) of the Federal Water Pollution Control Act is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following:

“(10) ‘commercial vessels’ means those vessels used in the business of transporting property for compensation or hire, or in transporting property in the business of the owner, lessee, or operator of the vessel;

“(11) ‘graywater’ means galley, bath, and shower water.”.

(c) The next to the last sentence of section 312(b) (1) of the Federal Water Pollution Control Act is amended by inserting immediately after “Such standards” the following: “and standards established under subsection (c) (1) (B) of this section”. The last sentence of such section 312(b) (1) is amended by inserting immediately after “subsection” the following: “and subsection (c) of this section”.

(d) Section 312(c) (1) of the Federal Water Pollution Control Act is amended by inserting “(A)” after “(1)” and by adding at the end thereof a new subparagraph (B) as follows:

“(B) The Administrator shall, with respect to commercial vessels on the Great Lakes, establish standards which require at a minimum the equivalent of secondary treatment as defined under section 304(d) of this Act. Such standards and regulations shall take effect for existing vessels after such time as the Administrator determines to be reasonable for the upgrading of marine sanitation devices to attain such standard.”.

(e) Section 312(f) (4) of the Federal Water Pollution Control Act is amended by inserting “(A)” after “(4)” and by adding at the end thereof a new subparagraph (B) as follows:

“(B) Upon application by a State, the Administrator shall, by regulation, establish a drinking water intake zone in any waters within such State and prohibit the discharge of sewage from vessels within that zone.”.

FEDERAL FACILITIES

SEC. 60. Section 313 of the Federal Water Pollution Control Act is amended by inserting “(a)” immediately after “SEC. 313.” and by adding at the end thereof the following new subsection:

“(b) (1) The Administrator shall coordinate with the head of each department, agency, or instrumentality of the Federal Government having jurisdiction over any property or facility utilizing federally owned wastewater facilities to develop a program of cooperation for utilizing wastewater control systems utilizing those innovative treatment processes and techniques for which guidelines have been promulgated under section 304(d) (3). Such program shall include an inventory of property and facilities which could utilize such processes and techniques.

“(2) Construction shall not be initiated for facilities for treatment of wastewater at any Federal property or facility after September 30, 1979, if alternative methods for wastewater treatment at such property or facility utilizing innovative treatment processes and techniques, including but not limited to methods utilizing recycle and reuse techniques and land treatment are not utilized, unless the life cycle cost of the alternative treatment works exceeds the life cycle cost of the most cost effective alternative by more than 15 per centum. The Administrator may waive the application of this paragraph in any case where the Administrator determines it to be in the public interest, or that compliance with this paragraph would interfere with the orderly compliance with conditions of a permit issued pursuant to section 402 of this Act.”.

33 USC 1322.

Great Lakes
vessels,
standards.

Ante, p. 1587.

Drinking water
intake zone
regulations.

Cooperative
pollution control
program
coordination.
33 USC 1323.

Ante, p. 1588.

Waiver.

33 USC 1342.

FEDERAL FACILITY COMPLIANCE

Ante, p. 1597.

SEC. 61. (a) Subsection (a) of section 313 of the Federal Water Pollution Control Act is amended (1) by striking in the first sentence thereof the words "shall comply with Federal, State, interstate, and local requirements respecting control and abatement of pollution to the same extent that any person is subject to such requirements, including the payment of reasonable service charges." and inserting in lieu thereof a comma and the words "and each officer, agent, or employee thereof in the performance of his official duties, shall be subject to, and comply with, all Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution in the same manner, and to the same extent as any nongovernmental entity including the payment of reasonable service charges. The preceding sentence shall apply (A) to any requirement whether substantive or procedural (including any recordkeeping or reporting requirement, any requirement respecting permits and any other requirement, whatsoever), (B) to the exercise of any Federal, State, or local administrative authority, and (C) to any process and sanction, whether enforced in Federal, State, or local courts or in any other manner. This subsection shall apply notwithstanding any immunity of such agencies, officers, agents, or employees under any law or rule of law. Nothing in this section shall be construed to prevent any department, agency, or instrumentality of the Federal Government, or any officer, agent, or employee thereof in the performance of his official duties, from removing to the appropriate Federal district court any proceeding to which the department, agency, or instrumentality or officer, agent, or employee thereof is subject pursuant to this section, and any such proceeding may be removed in accordance with 28 U.S.C. 1441 et seq. No officer, agent, or employee of the United States shall be personally liable for any civil penalty arising from the performance of his official duties, for which he is not otherwise liable, and the United States shall be liable only for those civil penalties arising under Federal law or imposed by a State or local court to enforce an order or the process of such court."; and (2) by adding at the end of such subsection the following: "In addition to any such exemption of a particular effluent source, the President may, if he determines it to be in the paramount interest of the United States to do so, issue regulations exempting from compliance with the requirements of this section any weaponry, equipment, aircraft, vessels, vehicles, or other classes or categories of property, and access to such property, which are owned or operated by the Armed Forces of the United States (including the Coast Guard) or by the National Guard of any State and which are uniquely military in nature. The President shall reconsider the need for such regulations at three-year intervals."

Federal employee liability.

Military source exemption, regulations.

33 USC 1341.

(b) Section 401(a) of the Federal Water Pollution Control Act is amended by striking paragraph (6) and renumbering the succeeding paragraph accordingly.

CLEAN LAKES

Surveys, financial assistance to States.
33 USC 1324.

SEC. 62. (a) Section 314(b) of the Federal Water Pollution Control Act is amended by adding at the end thereof the following: "The Administrator shall provide financial assistance to States to prepare the identification and classification surveys required in subsection (a) (1) of this section."

Public information.
Ante, p. 1588.

(b) The first sentence of section 304(j) of the Federal Water Pollution Control Act as redesignated by this Act, is amended to read as

follows: "The Administrator shall issue information biennially on methods, procedures, and processes as may be appropriate to restore and enhance the quality of the Nation's publicly owned freshwater lakes."

AQUACULTURE

SEC. 63. Section 318 of the Federal Water Pollution Control Act is amended to read as follows: 33 USC 1328.

"AQUACULTURE

"SEC. 318. (a) The Administrator is authorized, after public hearings, to permit the discharge of a specific pollutant or pollutants under controlled conditions associated with an approved aquaculture project under Federal or State supervision pursuant to section 402 of this Act.

Pollutant discharge, hearing.

"(b) The Administrator shall by regulation establish any procedures and guidelines which the Administrator deems necessary to carry out this section. Such regulations shall require the application to such discharge of each criterion, factor, procedure, and requirement applicable to a permit issued under section 402 of this title, as the Administrator determines necessary to carry out the objective of this Act.

Procedures and guidelines.

"(c) Each State desiring to administer its own permit program within its jurisdiction for discharge of a specific pollutant or pollutants under controlled conditions associated with an approved aquaculture project may do so if upon submission of such program the Administrator determines such program is adequate to carry out the objective of this Act."

State program approval.

COMPLIANCE WITH STATE REQUIREMENTS

SEC. 64. Section 401 of the Federal Water Pollution Control Act is amended by inserting "303," after "302," in the phrase "sections 301, 302, 306, and 307 of this Act", and in the phrase "section 301, 302, 306, or 307 of this Act", each time these phrases appear. 33 USC 1341.

ENVIRONMENTAL PROTECTION AGENCY ISSUANCE OF PERMITS

SEC. 65. (a) Section 402(d) of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new paragraph: 33 USC 1342.

"(4) In any case where, after the date of enactment of this paragraph, the Administrator, pursuant to paragraph (2) of this subsection, objects to the issuance of a permit, on request of the State, a public hearing shall be held by the Administrator on such objection. If the State does not resubmit such permit revised to meet such objection within 30 days after completion of the hearing, or, if no hearing is requested within 90 days after the date of such objection, the Administrator may issue the permit pursuant to subsection (a) of this section for such source in accordance with the guidelines and requirements of this Act."

Public hearing.

(b) Section 402(d) (2) of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new sentence: "Whenever the Administrator objects to the issuance of a permit under this paragraph such written objection shall contain a statement of the reasons for such objection and the effluent limitations and conditions which such permit would include if it were issued by the Administrator."

Objections statement.

ENFORCEMENT OF MUNICIPAL PERMITS

33 USC 1342.

SEC. 66. Section 402(h) of the Federal Water Pollution Control Act is amended by striking out the comma after "is approved" and inserting the following: "or where the Administrator determines pursuant to section 309(a) of this Act that a State with an approved program has not commenced appropriate enforcement action with respect to such permit,".

Ante, p. 1592.

PERMITS FOR DREDGED OR FILL MATERIAL

Notice,
publication.
33 USC 1344.

SEC. 67. (a) (1) Subsection (a) of section 404 of the Federal Water Pollution Control Act is amended by striking out "The Secretary of the Army, acting through the Chief of Engineers," and inserting in lieu thereof "The Secretary" and by inserting at the end thereof the following new sentence: "Not later than the fifteenth day after the date an applicant submits all the information required to complete an application for a permit under this subsection, the Secretary shall publish the notice required by this subsection."

(2) Subsections (b) and (c) of such section 404 are amended by striking out "the Secretary of the Army" each place it appears and inserting in lieu thereof in each such place "the Secretary".

(b) Such section 404 is further amended by adding at the end thereof the following new subsections:

"Secretary."

"(d) The term 'Secretary' as used in this section means the Secretary of the Army, acting through the Chief of Engineers.

Notice and
hearing.

"(e) (1) In carrying out his functions relating to the discharge of dredged or fill material under this section, the Secretary may, after notice and opportunity for public hearing, issue general permits on a State, regional, or nationwide basis for any category of activities involving discharges of dredged or fill material if the Secretary determines that the activities in such category are similar in nature, will cause only minimal adverse environmental effects when performed separately, and will have only minimal cumulative adverse effect on the environment. Any general permit issued under this subsection shall (A) be based on the guidelines described in subsection (b) (1) of this section, and (B) set forth the requirements and standards which shall apply to any activity authorized by such general permit.

Limitations.

"(2) No general permit issued under this subsection shall be for a period of more than five years after the date of its issuance and such general permit may be revoked or modified by the Secretary if, after opportunity for public hearing, the Secretary determines that the activities authorized by such general permit have an adverse impact on the environment or such activities are more appropriately authorized by individual permits.

"(f) (1) Except as provided in paragraph (2) of this subsection, the discharge of dredged or fill material—

"(A) from normal farming, silviculture, and ranching activities such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices;

"(B) for the purpose of maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, and bridge abutments or approaches, and transportation structures;

“(C) for the purpose of construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance of drainage ditches;

“(D) for the purpose of construction of temporary sedimentation basins on a construction site which does not include placement of fill material into the navigable waters;

“(E) for the purpose of construction or maintenance of farm roads or forest roads, or temporary roads for moving mining equipment, where such roads are constructed and maintained, in accordance with best management practices, to assure that flow and circulation patterns and chemical and biological characteristics of the navigable waters are not impaired, that the reach of the navigable waters is not reduced, and that any adverse effect on the aquatic environment will be otherwise minimized;

“(F) resulting from any activity with respect to which a State has an approved program under section 208(b)(4) which meets the requirements of subparagraphs (B) and (C) of such section, is not prohibited by or otherwise subject to regulation under this section or section 301(a) or 402 of this Act (except for effluent standards or prohibitions under section 307).

“(2) Any discharge of dredged or fill material into the navigable waters incidental to any activity having as its purpose bringing an area of the navigable waters into a use to which it was not previously subject, where the flow or circulation of navigable waters may be impaired or the reach of such waters be reduced, shall be required to have a permit under this section.

“(g)(1) The Governor of any State desiring to administer its own individual and general permit program for the discharge of dredged or fill material into the navigable waters (other than those waters which are presently used, or are susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce shoreward to their ordinary high water mark, including all waters which are subject to the ebb and flow of the tide shoreward to their mean high water mark, or mean higher high water mark on the west coast, including wetlands adjacent thereto) within its jurisdiction may submit to the Administrator a full and complete description of the program it proposes to establish and administer under State law or under an interstate compact. In addition, such State shall submit a statement from the attorney general (or the attorney for those State agencies which have independent legal counsel), or from the chief legal officer in the case of an interstate agency, that the laws of such State, or the interstate compact, as the case may be, provide adequate authority to carry out the described program.

“(2) Not later than the tenth day after the date of the receipt of the program and statement submitted by any State under paragraph (1) of this subsection, the Administrator shall provide copies of such program and statement to the Secretary and the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

“(3) Not later than the ninetieth day after the date of the receipt by the Administrator of the program and statement submitted by any State, under paragraph (1) of this subsection, the Secretary and the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall submit any comments with respect to such program and statement to the Administrator in writing.

“(h)(1) Not later than the one-hundred-twentieth day after the date of the receipt by the Administrator of a program and statement

Ante, p. 1577.

33 USC 1311,
1342.

33 USC 1317.

State
administrative
program and
authority
statement,
submittal and
copies.

Comments,
submittal.

State authority
determination.

submitted by any State under paragraph (1) of this subsection, the Administrator shall determine, taking into account any comments submitted by the Secretary and the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, pursuant to subsection (g) of this section, whether such State has the following authority with respect to the issuance of permits pursuant to such program:

“(A) To issue permits which—

“(i) apply, and assure compliance with, any applicable requirements of this section, including, but not limited to, the guidelines established under subsection (b)(1) of this section, and sections 307 and 403 of this Act;

“(ii) are for fixed terms not exceeding five years; and

“(iii) can be terminated or modified for cause including, but not limited to, the following:

“(I) violation of any condition of the permit;

“(II) obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts;

“(III) change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

33 USC 1317,
1343.

33 USC 1318.

Notice and
hearing.

“(B) To issue permits which apply, and assure compliance with, all applicable requirements of section 308 of this Act, or to inspect, monitor, enter, and require reports to at least the same extent as required in section 308 of this Act.

“(C) To assure that the public, and any other State the waters of which may be affected, receive notice of each application for a permit and to provide an opportunity for public hearing before a ruling on each such application.

“(D) To assure that the Administrator receives notice of each application (including a copy thereof) for a permit.

Recommendations.

“(E) To assure that any State (other than the permitting State), whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting State (and the Administrator) with respect to any permit application and, if any part of such written recommendations are not accepted by the permitting State, that the permitting State will notify such affected State (and the Administrator) in writing of its failure to so accept such recommendations together with its reasons for so doing.

Consultation.

“(F) To assure that no permit will be issued if, in the judgment of the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, anchorage and navigation of any of the navigable waters would be substantially impaired thereby.

“(G) To abate violations of the permit or the permit program, including civil and criminal penalties and other ways and means of enforcement.

Coordination.

“(H) To assure continued coordination with Federal and Federal-State water-related planning and review processes.

Program
approval and
notification.

“(2) If, with respect to a State program submitted under subsection (g)(1) of this section, the Administrator determines that such State—

“(A) has the authority set forth in paragraph (1) of this subsection, the Administrator shall approve the program and so notify (i) such State and (ii) the Secretary, who upon subsequent notification from such State that it is administering such program, shall suspend the issuance of permits under subsections (a) and (e) of

this section for activities with respect to which a permit may be issued pursuant to such State program; or

“(B) does not have the authority set forth in paragraph (1) of this subsection, the Administrator shall so notify such State, which notification shall also describe the revisions or modifications necessary so that such State may resubmit such program for a determination by the Administrator under this subsection.

Program
resubmittal.

“(3) If the Administrator fails to make a determination with respect to any program submitted by a State under subsection (g) (1) of this section within one-hundred-twenty days after the date of the receipt of such program, such program shall be deemed approved pursuant to paragraph (2) (A) of this subsection and the Administrator shall so notify such State and the Secretary who, upon subsequent notification from such State that it is administering such program, shall suspend the issuance of permits under subsection (a) and (e) of this section for activities with respect to which a permit may be issued by such State.

“(4) After the Secretary receives notification from the Administrator under paragraph (2) or (3) of this subsection that a State permit program has been approved, the Secretary shall transfer any applications for permits pending before the Secretary for activities with respect to which a permit may be issued pursuant to such State program to such State for appropriate action.

Application
transferral.

“(5) Upon notification from a State with a permit program approved under this subsection that such State intends to administer and enforce the terms and conditions of a general permit issued by the Secretary under subsection (e) of this section with respect to activities in such State to which such general permit applies, the Secretary shall suspend the administration and enforcement of such general permit with respect to such activities.

Administration
and enforcement,
suspension.

“(i) Whenever the Administrator determines after public hearing that a State is not administering a program approved under section (h) (2) (A) of this section, in accordance with this section, including, but not limited to, the guidelines established under subsection (b) (1) of this section, the Administrator shall so notify the State, and, if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days after the date of the receipt of such notification, the Administrator shall (1) withdraw approval of such program until the Administrator determines such corrective action has been taken, and (2) notify the Secretary that the Secretary shall resume the program for the issuance of permits under subsections (a) and (e) of this section for activities with respect to which the State was issuing permits and that such authority of the Secretary shall continue in effect until such time as the Administrator makes the determination described in clause (1) of this subsection and such State again has an approved program.

State
noncompliant
programs,
withdrawal
notice.

“(j) Each State which is administering a permit program pursuant to this section shall transmit to the Administrator (1) a copy of each permit application received by such State and provide notice to the Administrator of every action related to the consideration of such permit application, including each permit proposed to be issued by such State, and (2) a copy of each proposed general permit which such State intends to issue. Not later than the tenth day after the date of the receipt of such permit application or such proposed general permit, the Administrator shall provide copies of such permit application or such proposed general permit to the Secretary and the Secretary of the Interior, acting through the Director of the United States Fish and

Copies,
transmittals to
Federal agencies.

Comments, notification.	<p>Wildlife Service. If the Administrator intends to provide written comments to such State with respect to such permit application or such proposed general permit, he shall so notify such State not later than the thirtieth day after the date of the receipt of such application or such proposed general permit and provide such written comments to such State, after consideration of any comments made in writing with respect to such application or such proposed general permit by the Secretary and the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, not later than the ninetieth day after the date of such receipt. If such State is so notified by the Administrator, it shall not issue the proposed permit until after the receipt of such comments from the Administrator, or after such ninetieth day, whichever first occurs. Such State shall not issue such proposed permit after such ninetieth day if it has received such written comments in which the Administrator objects (A) to the issuance of such proposed permit and such proposed permit is one that has been submitted to the Administrator pursuant to subsection (h) (1) (E), or (B) to the issuance of such proposed permit as being outside the requirements of this section, including, but not limited to, the guidelines developed under subsection (b) (1) of this section unless it modifies such proposed permit in accordance with such comments. Whenever the Administrator objects to the issuance of a permit under the preceding sentence such written objection shall contain a statement of the reasons for such objection and the conditions which such permit would include if it were issued by the Administrator. In any case where the Administrator objects to the issuance of a permit, on request of the State, a public hearing shall be held by the Administrator on such objection. If the State does not resubmit such permit revised to meet such objection within 30 days after completion of the hearing or, if no hearing is requested within 90 days after the date of such objection, the Secretary may issue the permit pursuant to subsection (a) or (e) of this section, as the case may be, for such source in accordance with the guidelines and requirements of this Act.</p>
Objection statement.	
Public hearings.	
Waiver. <i>Ante</i> , p. 1588.	<p>“(k) In accordance with guidelines promulgated pursuant to subsection (i) (2) of section 304 of this Act, the Administrator is authorized to waive the requirements of subsection (j) of this section at the time of the approval of a program pursuant to subsection (h) (2) (A) of this section for any category (including any class, type, or size within such category) of discharge within the State submitting such program.</p>
Regulations.	<p>“(l) The Administrator shall promulgate regulations establishing categories of discharges which he determines shall not be subject to the requirements of subsection (j) of this section in any State with a program approved pursuant to subsection (h) (2) (A) of this section. The Administrator may distinguish among classes, types, and sizes within any category of discharges.</p>
Comments, submittal by Interior Secretary.	<p>“(m) Not later than the ninetieth day after the date on which the Secretary notifies the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service that (1) an application for a permit under subsection (a) of this section has been received by the Secretary, or (2) the Secretary proposes to issue a general permit under subsection (e) of this section, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall submit any comments with respect to such application or such proposed general permit in writing to the Secretary.</p>

“(n) Nothing in this section shall be construed to limit the authority of the Administrator to take action pursuant to section 309 of this Act.

33 USC 1319.
Copies,
availability to
public.

“(o) A copy of each permit application and each permit issued under this section shall be available to the public. Such permit application or portion thereof, shall further be available on request for the purpose of reproduction.

“(p) Compliance with a permit issued pursuant to this section, including any activity carried out pursuant to a general permit issued under this section, shall be deemed compliance, for purposes of sections 309 and 505, with sections 301, 307 and 403.

33 USC 1365.
Ante, p. 1592.
33 USC 1311,
1317, 1343.
Agreements with
Federal agencies.

“(q) Not later than the one-hundred-eightieth day after the date of enactment of this subsection, the Secretary shall enter into agreements with the Administrator, the Secretaries of the Departments of Agriculture, Commerce, Interior, and Transportation, and the heads of other appropriate Federal agencies to minimize, to the maximum extent practicable, duplication, needless paperwork, and delays in the issuance of permits under this section. Such agreements shall be developed to assure that, to the maximum extent practicable, a decision with respect to an application for a permit under subsection (a) of this section will be made not later than the ninetieth day after the date the notice for such application is published under subsection (a) of this section.

“(r) The discharge of dredged or fill material as part of the construction of a Federal project specifically authorized by Congress, whether prior to or on or after the date of enactment of this subsection, is not prohibited by or otherwise subject to regulation under this section, or a State program approved under this section, or section 301 (a) or 402 of the Act (except for effluent standards or prohibitions under section 307), if information on the effects of such discharge, including consideration of the guidelines developed under subsection (b) (1) of this section, is included in an environmental impact statement for such project pursuant to the National Environmental Policy Act of 1969 and such environmental impact statement has been submitted to Congress before the actual discharge of dredged or fill material in connection with the construction of such project and prior to either authorization of such project or an appropriation of funds for such construction.

33 USC 1342.

42 USC 4321
note.

“(s) (1) Whenever on the basis of any information available to him the Secretary finds that any person is in violation of any condition or limitation set forth in a permit issued by the Secretary under this section, the Secretary shall issue an order requiring such person to comply with such condition or limitation, or the Secretary shall bring a civil action in accordance with paragraph (3) of this subsection.

Violations.
Compliance
order, notice.

“(2) A copy of any order issued under this subsection shall be sent immediately by the Secretary to the State in which the violation occurs and other affected States. Any order issued under this subsection shall be by personal service and shall state with reasonable specificity the nature of the violation, specify a time for compliance, not to exceed thirty days, which the Secretary determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. In any case in which an order under this subsection is issued to a corporation, a copy of such order shall be served on any appropriate corporate officers.

“(3) The Secretary is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction for any violation for which he is authorized to issue a compliance order under paragraph (1) of this subsection. Any action under this para-

Judicial relief,
notice.

graph may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given immediately to the appropriate State.

Penalties.

"(4) (A) Any person who willfully or negligently violates any condition or limitation in a permit issued by the Secretary under this section shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two years, or by both.

"Person."

"(B) For the purposes of this paragraph, the term 'person' shall mean, in addition to the definition contained in section 502(5) of this Act, any responsible corporate officer.

33 USC 1362.

"(5) Any person who violates any condition or limitation in a permit issued by the Secretary under this section, and any person who violates any order issued by the Secretary under paragraph (1) of this subsection, shall be subject to a civil penalty not to exceed \$10,000 per day of such violation.

"(t) Nothing in this section shall preclude or deny the right of any State or interstate agency to control the discharge of dredged or fill material in any portion of the navigable waters within the jurisdiction of such State, including any activity of any Federal agency, and each such agency shall comply with such State or interstate requirements both substantive and procedural to control the discharge of dredged or fill material to the same extent that any person is subject to such requirements. This section shall not be construed as affecting or impairing the authority of the Secretary to maintain navigation."

33 USC 1318.

(c) (1) Section 308(a) (4) of the Federal Water Pollution Control Act is amended by inserting "404 (relating to State permit programs)," immediately before "and 504".

Enforcement.
Ante, p. 1592.

(2) Section 309 of the Federal Water Pollution Control Act is amended—

(A) in subsection (a) (1) thereof, by striking out "section 402" and inserting in lieu thereof "section 402 or 404";

(B) in subsection (a) (3) thereof, by inserting "or in a permit issued under section 404 of this Act by a State" immediately after "State";

(C) in the first sentence of subsection (c) (1) thereof, by inserting "or in a permit issued under section 404 of this Act by a State" immediately after "State"; and

(D) in subsection (d) thereof, by inserting "or in a permit issued under section 404 of this Act by a State," immediately after "State,".

SLUDGE DISPOSAL

33 USC 1345.

SEC. 68. (a) Section 405(a) of the Federal Water Pollution Control Act is amended by striking out "under this section" and inserting in lieu thereof "under section 402 of this Act".

(b) Section 405(b) of the Federal Water Pollution Control Act is amended by striking out the period at the end of the first sentence and inserting in lieu thereof "and section 402 of this Act.".

(c) The last sentence of section 405(b) of the Federal Water Pollution Control Act is amended by striking out “, as the Administrator determines necessary to carry out the objective of this Act”. *Ante*, p. 1591.

(d) Section 405(c) of the Federal Water Pollution Control Act is amended by striking out “if upon submission” and all that follows down through the period at the end thereof and inserting in lieu thereof the following: “in accordance with section 402 of this Act.”.

EMERGENCY FUND

SEC. 69. Section 504 of the Federal Water Pollution Control Act is amended by inserting “(a)” immediately after “Sec. 504.” and by adding at the end thereof the following: 33 USC 1364.

“(b) (1) The Administrator is authorized to provide assistance in emergencies caused by the release into the environment of any pollutant or other contaminant including, but not limited to, those which present, or may reasonably be anticipated to present, an imminent and substantial danger to the public health or welfare.

“(2) There is hereby established a contingency fund to carry out paragraph (1) of this subsection and there is authorized to be appropriated to such fund not to exceed \$10,000,000. The amounts appropriated under this paragraph shall remain available until expended. There is authorized to be appropriated such sums as are necessary to maintain that portion of such fund available for emergency assistance at a \$10,000,000 level. Contingency fund, appropriation authorization.

“(3) The Administrator shall submit a report annually to each House of Congress on his activities in carrying out this subsection. Annual report to Congress.

“(4) This subsection shall not be construed to relieve the Administrator of any requirement imposed on the Administrator by any other Federal law. Nothing contained in this subsection shall (A) affect any final action taken under such other Federal law, or (B) in any way affect the extent to which human health or the environment is to be protected under such other Federal law.

“(5) The Administrator is authorized to provide emergency assistance under this subsection whenever the Administrator determines— Assistance criteria.

“(A) such assistance is immediately required to prevent, limit, or mitigate the emergency;

“(B) there is an immediate significant risk to the public health or welfare and the environment; and

“(C) such assistance will not otherwise be provided on a timely basis.

“(6) Emergency assistance provided under this subsection may include (A) measures to abate and remedy the emergency, (B) the performance of research on the effects of an emergency on public health, welfare, and the environment, and (C) providing officers and employees of the agency to administer, at the site of any emergency, the authority under this or other Federal law to minimize and mitigate the adverse effects of the emergency.

“(7) The Administrator shall prepare and publish a contingency plan for responding to emergencies under this subsection. Such contingency plan shall include actions and responsibilities comparable to those specified in section 311(c) (2) of this Act. Contingency, plan publication.

“(8) If emergency assistance is provided under this subsection in an emergency caused by the discharge of any pollutant subject to section 311 of this Act, the cost of such assistance shall, at the discretion *Ante*, p. 1595. Costs.

of the Administrator, be a cost of removal for the purposes of subsections (f) and (g) of such section, and added to any liability which may be imposed under subsection (b) (2) of such section.

“(9) The cost of any emergency assistance provided under this subsection in an emergency caused by the discharge of a pollutant in violation of any requirement of section 301, 306, 307, 402, or 403 of this Act, shall be recoverable from the owner or operator of the source of the discharge in an action brought under section 309 of this Act.”.

33 USC 1311,
1316, 1317,
1342, 1343.
33 USC 1319.

COMBINED SEWER OVERFLOWS

Reports to
Congress.
33 USC 1375.

SEC. 70. Section 516 of the Federal Water Pollution Control Act is amended by adding at the end thereof a new subsection as follows:

“(c) The Administrator shall submit to the Congress by October 1, 1978, a report on the status of combined sewer overflows in municipal treatment works operations. The report shall include (1) the status of any projects funded under this Act to address combined sewer overflows (2) a listing by State of combined sewer overflow needs identified in the 1977 State priority listings, (3) an estimate for each applicable municipality of the number of years necessary, assuming an annual authorization and appropriation for the construction grants program of \$5,000,000,000, to correct combined sewer overflow problems, (4) an analysis using representative municipalities faced with major combined sewer overflow needs, of the annual discharges of pollutants from overflows in comparison to treated effluent discharges, (5) an analysis of the technological alternatives available to municipalities to correct major combined sewer overflow problems, and (6) any recommendations of the Administrator for legislation to address the problem of combined sewer overflows, including whether a separate authorization and grant program should be established by the Congress to address combined sewer overflows.”.

UTILIZATION OF TREATED SLUDGE

Report to
Congress.

SEC. 71. Section 516 of the Federal Water Pollution Control Act is amended by adding at the end thereof a new subsection as follows:

“(d) The Administrator shall submit to the Congress by October 1, 1978, a report on the status of the use of municipal secondary effluent and sludge for agricultural and other purposes that utilize the nutrient value of treated wastewater effluent. The report shall include (1) a summary of results of research and development programs, grants, and contracts carried out by the Environmental Protection Agency pursuant to sections 104 and 105 of this Act, regarding alternatives to disposal, landfill, or incineration of secondary effluent of sludge, (2) an estimate of the amount of sludge generated by public treatment works and its disposition, including an estimate of annual energy costs to incinerate sludge, (3) an analysis of current technologies for the utilization, reprocessing, and other uses of sludge to utilize the nutrient value of sludge, (4) legal, institutional, public health, economic, and other impediments to the greater utilization of treated sludge, and (5) any recommendations of the Administrator for legislation to encourage or require the expanded utilization of sludge for agricultural and other purposes. In carrying out this subsection, the Administrator shall consult with, and use the services of the Tennessee Valley Authority and other departments, agencies, and instrumentalities of the United States, to the extent it is appropriate to do so.”.

33 USC 1254.

Consultation.

WATER SUPPLY-WASTEWATER TREATMENT COORDINATION

SEC. 72. Section 516 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection: “(e) The Administrator, in cooperation with the States, including water pollution control agencies, and other water pollution control planning agencies, and water supply and water resources agencies of the States and the United States shall submit to Congress, within two years of the date of enactment of this section, a report with recommendations for legislation on a program to require coordination between water supply and wastewater control plans as a condition to grants for construction of treatment works under this Act. No such report shall be submitted except after opportunity for public hearings on such proposed report.”.

Report to Congress, legislative recommendations. 33 USC 1375.

Public hearing.

EXISTING GUIDELINES

SEC. 73. Within 90 days after the date of enactment of this Act, the Administrator shall review every effluent guideline promulgated prior to the date of enactment of this Act which is final or interim final (other than those applicable to industrial categories listed in table 2 of Committee Print Numbered 95-30 of the Committee on Public Works and Transportation of the House of Representatives) and which applies to those pollutants identified pursuant to section 304(a)(4) of the Federal Water Pollution Control Act. The Administrator shall review every guideline applicable to industrial categories listed in such table 2 on or before July 1, 1980. Upon completion of each such review the Administrator is authorized to make such adjustments in any such guidelines as may be necessary to carry out section 304(b)(4) of such Act. The Administrator shall publish the results of each such review, including, with respect to each such guideline, the determination to adjust or not to adjust such guideline. Any such determination by the Administrator shall be final except that if, on judicial review in accordance with section 509 of such Act, it is determined that the Administrator either did not comply with the requirements of this section or the determination of the Administrator was based on arbitrary and capricious action in applying section 304(b)(4) of such Act to such guideline, the Administrator shall make a further review and redetermination of any such guideline.

Review and adjustments, publication. 33 USC 1314 note.

Ante, p. 1587.

33 USC 1369.

SEAFOOD PROCESSING STUDY

SEC. 74. The Administrator of the Environmental Protection Agency shall conduct a study to examine the geographical, hydrological, and biological characteristics of marine waters to determine the effects of seafood processes which dispose of untreated natural wastes into such waters. In addition, such study shall examine technologies which may be used in such processes to facilitate the use of the nutrients in these wastes or to reduce the discharge of such wastes into the marine environment. The results of such study shall be submitted to Congress not later than January 1, 1979.

33 USC 1251 note.

Submittal to Congress.

COST RECOVERY STUDY

SEC. 75. (a) The Administrator of the Environmental Protection Agency (hereafter in this section referred to as the “Administrator”) shall study the efficiency of, and the need for, the payment by industrial users of any treatment works of that portion of the cost of

33 USC 1284 note.

Report to
Congress.

construction of such treatment works (as determined by the Administrator) which is allocable to the treatment of industrial wastes to the extent attributable to the Federal share of the cost of construction. Such study shall include, but not be limited to, an analysis of the impact of such a system of payment upon rural communities and on industries in economically distressed areas or areas of high unemployment. No later than the last day of the twelfth month which begins after the date of enactment of this section, the Administrator shall submit a report to the Congress setting forth the results of such study.

Ante, p. 1574.
Definitions.

(b) During the period beginning on the date of enactment of this section and ending on the last day of the eighteenth month which begins after the date of enactment of this section (both dates inclusive), no officer or employee of the Federal Government shall enforce, or require any recipient of a grant under section 201(g)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1284) to enforce, any provision in an application for a grant or in a grant agreement under such section which requires any payments by industrial users pursuant to section 204(b)(1)(B) of such Act.

33 USC 1251
note.

(c) For purposes of this section, the terms "industrial user" and "treatment works" have the same meaning given such terms in the Federal Water Pollution Control Act.

(d) Any payment by an industrial user which, but for subsection (b) of this section, was due and payable during the eighteen-month period described in such subsection shall after such eighteen-month period be paid in accordance with the applicable provisions of the Federal Water Pollution Control Act in equal annual installments prorated over the remaining useful life of the treatment works with respect to which they are required to be paid.

LAKE CHELAN DELEGATION

33 USC 1344
note.

SEC. 76. The Secretary of the Army, acting through the Chief of Engineers, is authorized to delegate to the State of Washington upon its request all or any part of those functions vested in such Secretary by section 404 of the Federal Water Pollution Control Act and by sections 9, 10, and 13 of the Act of March 3, 1899, relating to Lake Chelan, Washington, if the Secretary determines (1) that such State has the authority, responsibility, and capability to carry out such functions, and (2) that such delegation is in the public interest. Such delegation shall be subject to such terms and conditions as the Secretary deems necessary, including, but not limited to, suspension and revocation for cause of such delegation.

33 USC 1344.
33 USC 401,
403, 407.

SECONDARY TREATMENT FACILITY SITE

Land conveyance
reimbursement.

SEC. 77. The Administrator of the Environmental Protection Agency shall reimburse the city of Boston, Massachusetts, an amount equal to 75 per centum, but not to exceed \$15,000,000, of the cost of constructing a modern correctional detention facility on a site in such city, on condition that such city convey to the Commonwealth of Massachusetts all of its right, title, and interest in and to that real property owned by such city on Deer Island which is the site of the existing correctional detention facility for use by such Commonwealth as the site for a publicly owned treatment works providing secondary treatment. There is authorized to be appropriated \$15,000,000 to carry out the purposes of this section.

Appropriation
authorization.

TOTAL TREATMENT SYSTEM FUNDING

SEC. 78. Notwithstanding any other provision of law, in any case where the Administrator of the Environmental Protection Agency finds that the total of all grants made under section 201 of the Federal Water Pollution Control Act for the same treatment works exceeds the actual construction costs for such treatment works (as defined in that Act) such excess amount shall be a grant of the Federal share (as defined in that Act) of the cost of construction of a sewage collection system if—

33 USC 1281a.

33 USC 1281.

(1) such sewage collection system was constructed as part of the same total treatment system as the treatment works for which such section 201 grants were approved, and

(2) an application for assistance for the construction of such sewage collection system was filed in accordance with section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102) before all such section 201 grants were made and such section 702 grant could not be approved due to lack of funding under such section 702.

The total of all grants for sewage collection systems made under this section shall not exceed \$2,800,000. **Limitation.**

Approved December 27, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-139 (Comm. on Public Works and Transportation) and 95-830 (Comm. of Conference).

SENATE REPORT No. 95-370 accompanying S. 1952 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 5, considered and passed House.

Aug. 4, considered and passed Senate, amended, in lieu of S. 1952.

Dec. 15, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 53:

Dec. 28, Presidential statement.

Public Law 95-218
95th Congress

An Act

Dec. 28, 1977

[S. 1063]

To amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the payment of certain revenue bonds issued by the Council of the District of Columbia.

D.C.
Revenue bonds,
payment.
D.C. Code
47-254.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 490 of the District of Columbia Self-Government and Governmental Reorganization Act, relating to revenue bonds and other obligations, is amended by adding at the end thereof the following new subsection:

“(f) The fourth sentence of section 446 shall not apply to (1) the transfer to a private college or university of funds derived from the sale of any revenue bond, note, or other obligation issued pursuant to an act under this section solely to finance, or assist in the financing of, facilities for such college or university, or (2) the payment (as to either principal or interest or both) of any such bond, note, or other obligation.”.

Approved December 28, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-749 accompanying H.R. 9544 (Comm. on the District of Columbia).

SENATE REPORT No. 95-227 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 26, considered and passed Senate.

Nov. 2, considered and passed House, amended, in lieu of H.R. 9544.

Dec. 15, Senate agreed to House amendments.

Public Law 95-219
95th Congress

An Act

To bring the governing international fishery agreement with Mexico within the purview of the Fishery Conservation Zone Transition Act.

Dec. 28, 1977

[H.R. 9794]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Fishery Conservation Zone Transition Act (Public Law 95-6) is amended—

Fishery
Conservation
Zone Transition
Act, amendment.
16 USC 1801
note.
16 USC 1823
note.

- (1) by striking out “and” at the end of paragraph (9);
- (2) by inserting “and” immediately after the semicolon at the end of paragraph (10);
- (3) by inserting immediately after paragraph (10) the following new paragraph:
 - “(11) the Government of Mexico Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated October 7, 1977;”;
- (4) by striking out “(10)” in the last sentence of such section and inserting in lieu thereof “(11)”.

SEC. 2. The amendments made by the first section of this Act shall take effect February 27, 1977.

Effective date.
16 USC 1823
note.

SEC. 3. (a) (1) Section 2 of Reorganization Plan Numbered 4 of 1970 (relating to the National Oceanic and Atmospheric Administration, 84 Stat. 2090) is amended to read as follows:

General Counsel
and
Administrator for
Coastal Zone
Management.
Appointment and
approval.
5 USC app.
15 USC 1511
note.

“(e) (1) There shall be in the Administration a General Counsel and five Assistant Administrators, one of whom shall be the Assistant Administrator for Coastal Zone Management and one of whom shall be the Assistant Administrator for Fisheries. The General Counsel and each Assistant Administrator shall be appointed by the Secretary, subject to approval of the President, and shall be compensated at a rate now or hereafter provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5316).

“(2) The General Counsel shall serve as the chief legal officer for all legal matters which may arise in connection with the conduct of the functions of the Administration.

“(3) The Assistant Administrator for Coastal Zone Management shall be an individual who is, by reason of background and experience, especially qualified to direct the implementation and administration of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

“(4) The Assistant Administrator for Fisheries shall be responsible for all matters related to living marine resources which may arise in connection with the conduct of the functions of the Administration.”

(2) Subsection (a) of section 15 of the Coastal Zone Management Act Amendments of 1976 (15 U.S.C. 1511a) is repealed.

Repeal.

(b) Section 5316 of title 5, United States Code, is amended by striking out paragraph (140) and inserting in lieu thereof the following new paragraphs:

“(140) Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration.

“(141) Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

“(142) Assistant Administrators (3), National Oceanic and Atmospheric Administration.

“(143) General Counsel, National Oceanic and Atmospheric Administration.”

(c) Section 5108(a) of title 5, United States Code, is amended by striking out “3293” and inserting in lieu thereof “3301”.

Approved December 28, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-783 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 123 (1977):

Nov. 1, considered and passed House.

Nov. 3, considered and passed Senate, amended; House disagreed to Senate amendment.

Nov. 29, House receded and concurred in Senate amendment with an amendment.

Dec. 15, Senate agreed to House amendment.

Public Law 95-220
95th Congress

An Act

To provide for the efficient and regular distribution of current information on Federal domestic assistance programs.

Dec. 28, 1977
[S. 904]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Federal Program Information Act”.

Federal Program
Information Act.
31 USC 1701
note.

DEFINITIONS

SEC. 2. For the purpose of this Act, the term—

31 USC 1701.

(1) “assistance” refers to the transfer of money, property, services, or anything of value; the principal purpose of which is to accomplish a public purpose of support or stimulation authorized by Federal statute. Assistance includes, but is not limited to, grants, loans, loan guarantees, scholarships, mortgage loans, insurance or other types of financial assistance; provision or donation of Federal facilities, goods, services, property, technical assistance, and counseling, statistical and other expert information, and service activities of regulatory agencies; but does not include provision of conventional public information services;

(2) “Federal agency” means an agency as defined by section 551(1) of title 5, United States Code;

(3) “Federal domestic assistance program” means any function of a Federal agency which provides assistance or benefits for a State or States, territorial possession, county, city, other political subdivision, grouping, or instrumentality thereof; any domestic profit or nonprofit corporation, institution, or individual, other than an agency of the Federal Government; and

(4) “administering office” means the lowest subdivision of any Federal agency that has direct operational responsibility for managing a Federal domestic assistance program.

DUTIES OF THE DIRECTOR

SEC. 3. The Director of the Office of Management and Budget (hereinafter referred to as the “Director”) shall identify all existing Federal domestic assistance programs and provide information on each such program to the general public through electronic media as authorized under section 5 of this Act and through a printed catalog as authorized under section 6 of this Act.

Information,
availability to
public.
31 USC 1702.

INFORMATION REQUIREMENTS

SEC. 4. (a) The Director shall prepare and maintain a Federal Assistance Information Data Base (hereinafter referred to in this Act as the “data base”). For each Federal domestic assistance program the data base shall—

Federal
Assistance
Information Data
Base.
31 USC 1703.

(1) identify each such program by title, by authorizing statute, by administering office, and by an identifying number assigned by the Director;

- (2) describe the program, the objectives of the program, and the types of activities which have been funded under the program;
- Eligibility.** (3) describe the eligibility requirements, the formulas governing the distribution of funds, the types of assistance, the uses and restrictions on the use of assistance, and the obligations and duties of recipients under the program;
- Financial information.** (4) provide financial information, including the amount of funds appropriated for the current fiscal year or, if unavailable, the amount of funds requested by the President, and the amounts obligated, and the average amounts of awards made in past years;
- Contacts.** (5) identify information contacts including the administering office and regional and local offices and their addresses and telephone numbers;
- Application.** (6) provide a general description of any application requirements and procedures and, to the extent practical, an estimate of the time required to process the application.
- (b) (1) Each Federal agency shall furnish to the Director, at such times as the Director may determine, current information on all domestic assistance programs administered by such Federal agency.
- (2) The Director shall on a regular basis incorporate into the data base all relevant information received under paragraph (1) of this subsection.

COMPUTERIZED PROGRAM INFORMATION SYSTEM

31 USC 1704.

SEC. 5. (a) The Director shall establish and maintain a computerized information system to provide access to the data base.

(b) The Director, to the greatest extent practicable, shall provide for the widespread availability of information contained in the data base, by computer terminals wherever available.

Contracts.

(c) The Director, notwithstanding any other provision of law to the contrary, when he determines the efficiency of the information system established pursuant to subsection (a) of this section requires it, may enter into contracts with private organizations to obtain computer time-sharing services including, but not limited to, computer telecommunications networks, computer software, and associated services.

Information, availability to public.

(d) The Director shall insure that the information available under this Act is made available to the public at a reasonable price.

(e) The Director may develop information services to further assist State and local government officials identify or obtain sources of Federal assistance.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS

31 USC 1705.

SEC. 6. (a) The Director shall prepare and publish each year a catalog of Federal Domestic Assistance Programs (hereinafter referred to in this Act as the "catalog").

(b) The Director shall prepare and publish supplements to the catalog as necessary.

(c) The Director may prepare and publish specialized compilations of the information in the catalog by function as necessary.

(d) The catalog shall contain, in such form as the Director determines—

(1) all substantive information on Federal domestic assistance programs that is in the data base at the time that the catalog is prepared;

(2) any other information which the Director considers may be helpful to potential applicants or beneficiaries under such programs; and

(3) a detailed index.

(e) (1) The Director shall make each catalog available to the public at a reasonable price.

(2) There are authorized to be distributed, without cost, catalogs to Members of Congress, Delegates, Resident Commissioners, agencies, State and general purpose units of local government, federally recognized Indian tribes, Federal deposit libraries, and other local repositories designated by the Director. Distribution.

TRANSFER PROVISION

SEC. 7. The Director is authorized to transfer to the Office of Management and Budget all personnel, books, records, and other documents of the Department of Agriculture of any kind or description which he determines to be principally held or engaged in the operation and function of the Federal Assistance Programs Retrieval System (FAPRS). 31 USC 1706.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are hereby authorized to be appropriated \$900,000 for fiscal year 1978, \$1,000,000 for fiscal year 1979, and \$1,000,000 for fiscal year 1980. 31 USC 1707.

FEDERAL INFORMATION SYSTEMS STUDY

SEC. 9. The Director of the Office of Management and Budget shall conduct a study of existing Federal information systems that provide fiscal, budgetary, and program-related data, statistics, and information on grant awards and shall report to the Congress, within one year from the date of enactment of this Act, his recommendations for appropriate dissemination of Federal financial information, a summary of all executive branch actions taken within the year to consolidate, reorganize, and improve the existing financial information system, and his recommendations for statutory changes necessary to further develop and improve methods for the dissemination of Federal financial information, using modern communications technology. Report to Congress.
31 USC 1708.

Approved December 28, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-341 accompanying H.R. 6257 (Comm. on Government Operations).

SENATE REPORT No. 95-135 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 17, considered and passed Senate.

Sept. 27, considered and passed House, amended, in lieu of H.R. 6257.

Dec. 15, Senate concurred in House amendment.

Public Law 95-221
95th Congress

Joint Resolution

Dec. 28, 1977
[H.J. Res. 674]

Relative to the convening of the second session of the Ninety-fifth Congress, and for other purposes.

95th Congress.
Second session.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the Ninety-fifth Congress shall begin at 12 o'clock meridian on Thursday, January 19, 1978.

Reports to
Congress.

SEC. 2. That (a) notwithstanding the provisions of section 201 of the Act of June 10, 1922, as amended (31 U.S.C. section 11), the President shall transmit to the Congress not later than January 23, 1978, the budget for the fiscal year 1979, and (b) notwithstanding the provisions of section 3 of the Act of February 20, 1946, as amended (15 U.S.C. section 1022), the President shall transmit to the Congress not later than January 23, 1978, the Economic Report.

Approved December 28, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):

Dec. 15, considered and passed House and Senate.

Public Law 95-222
95th Congress

An Act

To amend the Legal Services Corporation Act to provide authorization of appropriations for additional fiscal years, and for other purposes.

Dec. 28, 1977

[H.R. 6666]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Legal Services Corporation Act Amendments of 1977".

Legal Services
Corporation Act
Amendments of
1977.
42 USC 2701
note.

DECLARATION OF PURPOSE

SEC. 2. Section 1001 of the Legal Services Corporation Act (42 U.S.C. 2996) is amended by inserting before the semicolon at the end of paragraph (3) "and assist in improving opportunities for low-income persons consistent with the purposes of this Act".

MEMBERSHIP OF GOVERNING BOARD

SEC. 3. Section 1004(a) of the Legal Services Corporation Act (42 U.S.C. 2996c(a)) is amended by inserting at the end thereof the following new sentence: "Effective with respect to appointments made after the date of enactment of the Legal Services Corporation Act Amendments of 1977 but not later than July 31, 1978, the membership of the Board shall be appointed so as to include eligible clients, and to be generally representative of the organized bar, attorneys providing legal assistance to eligible clients, and the general public."

Appointment.

SUNSHINE PROVISION

SEC. 4. Section 1004(g) of the Legal Services Corporation Act (42 U.S.C. 2996c(g)) is amended by striking out all that follows "open" and inserting in lieu thereof "and shall be subject to the requirements and provisions of section 552b of title 5, United States Code (relating to open meetings)."

SUPPORT ASSISTANCE

SEC. 5. (a) Paragraph (3) of section 1006(a) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(3)) is amended by striking out "and not" and inserting in lieu thereof a comma and "or".

(b) Section 1006(a)(3)(A) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(3)(A)) is amended by inserting at the end thereof the following: "except that broad general legal or policy research unrelated to representation of eligible clients may not be undertaken by grant or contract."

(c) Section 1010 of the Legal Services Corporation Act (42 U.S.C. 2996i) is amended by adding at the end thereof the following new subsection:

"(d) Not more than 10 percent of the amounts appropriated pursuant to subsection (a) of this section for any fiscal year shall be available for grants or contracts under section 1006(a)(3) in any such year."

Supra.

POWERS, DUTIES, AND LIMITATIONS OF THE CORPORATION AND RECIPIENTS

SEC. 6. (a) Section 1006(b)(1) of the Legal Services Corporation Act (42 U.S.C. 2996e(b)(1)) is amended by inserting "(A)" after "SEC. 1006. (b)(1)" and by adding at the end thereof the following new subparagraph:

Review

"(B) No question of whether representation is authorized under this title, or the rules, regulations or guidelines promulgated pursuant to this title, shall be considered in, or affect the final disposition of, any proceeding in which a person is represented by a recipient or an employee of a recipient. A litigant in such a proceeding may refer any such question to the Corporation which shall review and dispose of the question promptly, and take appropriate action. This subparagraph shall not preclude judicial review available under applicable law."

(b) Section 1006(c)(1) of the Legal Services Corporation Act (42 U.S.C. 2996e(c)(1)) is amended to read as follows:

"(1) participate in litigation unless the Corporation or a recipient of the Corporation is a party, or a recipient is representing an eligible client in litigation in which the interpretation of this title or a regulation promulgated under this title is an issue, and shall not participate on behalf of any client other than itself; or"

Appointment
without
compensation.

(c) Section 1006(d) of the Legal Services Corporation Act (42 U.S.C. 2996e(d)) is amended by adding at the end thereof the following new paragraph:

"(6) Attorneys employed by a recipient shall be appointed to provide legal assistance without reasonable compensation only when such appointment is made pursuant to a statute, rule, or practice applied generally to attorneys practicing in the court where the appointment is made."

ACTIVITIES OF STAFF ATTORNEYS

SEC. 7. (a) Paragraph (2) of section 1006(e) of the Legal Services Corporation Act (42 U.S.C. 2996e(e)(2)) is amended by inserting "and staff attorneys" after "Corporation", and by inserting before the period at the end thereof a comma and the following: "except that no staff attorney may be a candidate in a partisan political election".

(b) Section 1007(a)(6) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(6)) is amended by striking out the matter following clause (C).

REIMBURSEMENT FOR SUCCESSFUL DEFENDANTS

SEC. 8. The first sentence of section 1006(f) of the Legal Services Corporation Act (42 U.S.C. 2996e(f)) is amended by striking out "may" and inserting in lieu thereof "shall".

ASSISTANCE CRITERIA

SEC. 9. (a) Paragraph (2)(B)(iv) of section 1007(a) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)(B)(iv)) is amended to read as follows:

"(iv) such other factors as relate to financial inability to afford legal assistance, which may include evidence of a prior determination that such individual's lack of income results from refusal or unwillingness, without good cause, to seek or accept an employment situation; and"

(b) (1) Paragraph (2) (C) of section 1007(a) of the Legal Services Corporation Act (42 U.S.C. 2996f(a) (2) (C)) is amended to read as follows:

“(C) insure that (i) recipients, consistent with goals established by the Corporation, adopt procedures for determining and implementing priorities for the provision of such assistance, taking into account the relative needs of eligible clients for such assistance (including such outreach, training, and support services as may be necessary), including particularly the needs for service on the part of significant segments of the population of eligible clients with special difficulties of access to legal services or special legal problems (including elderly and handicapped individuals); and (ii) appropriate training and support services are provided in order to provide such assistance to such significant segments of the population of eligible clients;”.

(2) Section 1008(c) of the Legal Services Corporation Act (42 U.S.C. 2996g(c)) is amended by adding at the end thereof the following new sentence: “Such report shall include a description of services provided pursuant to section 1007(a) (2) (C) (i) and (ii).”.

Annual report,
contents.

Supra.

(c) Paragraph (5) of section 1007(a) of the Legal Services Corporation Act (42 U.S.C. 2996f(a) (5)) is amended to read as follows:

“(5) insure that no funds made available to recipients by the Corporation shall be used at any time, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress of the United States, or by any State or local legislative bodies, or State proposals by initiative petition, except where—

“(A) representation by an employee of a recipient for any eligible client is necessary to the provision of legal advice and representation with respect to such client's legal rights and responsibilities (which shall not be construed to permit an attorney or a recipient employee to solicit a client, in violation of professional responsibilities, for the purpose of making such representation possible); or

“(B) a governmental agency, legislative body, a committee, or a member thereof—

“(i) requests personnel of the recipient to testify, draft, or review measures or to make representations to such agency, body, committee, or member, or

“(ii) is considering a measure directly affecting the activities under this title of the recipient or the Corporation.”.

LIMITATIONS ON USE OF FUNDS

SEC. 10. Section 1007(b) of the Legal Services Corporation Act (42 U.S.C. 2996f(b)) is amended to read as follows:

“(b) No funds made available by the Corporation under this title, either by grant or contract, may be used—

“(1) to provide legal assistance (except in accordance with guidelines promulgated by the Corporation) with respect to any fee-generating case (which guidelines shall not preclude the provision of legal assistance in cases in which a client seeks only statutory benefits and appropriate private representation is not available);

“(2) to provide legal assistance with respect to any criminal proceeding, except to provide assistance to a person charged with a misdemeanor or lesser offense or its equivalent in an Indian tribal court;

“(3) to provide legal assistance in civil actions to persons who have been convicted of a criminal charge where the civil action arises out of alleged acts or failures to act and the action is brought against an officer of the court or against a law enforcement official for the purpose of challenging the validity of the criminal conviction;

“(4) for any of the political activities prohibited in paragraph (6) of subsection (a) of this section;

“(5) to make grants to or enter into contracts with any private law firm which expends 50 percent or more of its resources and time litigating issues in the broad interests of a majority of the public;

“(6) to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, as distinguished from the dissemination of information about such policies or activities, except that this provision shall not be construed to prohibit the training of attorneys or paralegal personnel necessary to prepare them to provide adequate legal assistance to eligible clients;

“(7) to initiate the formation, or act as an organizer, of any association, federation, or similar entity, except that this paragraph shall not be construed to prohibit the provision of legal assistance to eligible clients;

“(8) to provide legal assistance with respect to any proceeding or litigation which seeks to procure a nontherapeutic abortion or to compel any individual or institution to perform an abortion, or assist in the performance of an abortion, or provide facilities for the performance of an abortion, contrary to the religious beliefs or moral convictions of such individual or institution;

“(9) to provide legal assistance with respect to any proceeding or litigation relating to the desegregation of any elementary or secondary school or school system, except that nothing in this paragraph shall prohibit the provision of legal advice to an eligible client with respect to such client's legal rights and responsibilities; or

“(10) to provide legal assistance with respect to any proceeding or litigation arising out of a violation of the Military Selective Service Act or of desertion from the Armed Forces of the United States, except that legal assistance may be provided to an eligible client in a civil action in which such client alleges that he was improperly classified prior to July 1, 1973, under the Military Selective Service Act or prior corresponding law.”.

50 USC app.
451.

GOVERNING BODIES OF RECIPIENTS

SEC. 11. Section 1007(c) of the Legal Services Corporation Act (42 U.S.C. 2996f(c)) is amended by striking out “and which includes at least one individual eligible to receive legal assistance under this title.” and inserting in lieu thereof “and at least one-third of which consists of persons who are, when selected, eligible clients who may also be representatives of associations or organizations of eligible clients.”.

NOTIFICATION

SEC. 12. Section 1007(f) of the Legal Services Corporation Act (42 U.S.C. 2996f(f)) is amended by striking all that follows "Governor" and inserting in lieu thereof a comma and: "the State bar association of any State, and the principal local bar associations (if there be any) of any community, where legal assistance will thereby be initiated, of such grant, contract, or project. Notification shall include a reasonable description of the grant application or proposed contract or project and request comments and recommendations."

ELIGIBLE CLIENTS' SPECIAL NEEDS ASSESSMENT STUDY

SEC. 13. Section 1007 of the Legal Services Corporation Act (42 U.S.C. 2996f) is amended by adding at the end thereof the following new subsection:

"(h) The Corporation shall conduct a study on whether eligible clients who are—

"(1) veterans,

"(2) native Americans,

"(3) migrants or seasonal farm workers,

"(4) persons with limited English-speaking abilities, and

"(5) persons in sparsely populated areas where a harsh climate and an inadequate transportation system are significant impediments to receipt of legal services

have special difficulties of access to legal services or special legal problems which are not being met. The Corporation shall report to Congress not later than January 1, 1979, on the extent and nature of any such problems and difficulties and shall include in the report and implement appropriate recommendations."

Report to
Congress.

AUDITS AND RECORDKEEPING

SEC. 14. Paragraph (2) of section 1009(b) of the Legal Services Corporation Act (42 U.S.C. 2996h(b)(2)) is amended by striking out the period at the end of the last sentence and inserting in lieu thereof "throughout the period beginning on the date such possession or custody commences and ending three years after such date, but the General Accounting Office may require the retention of such books, accounts, financial records, reports, files, papers, or property for a longer period under section 117(b) of the Accounting and Auditing Act of 1950 (31 U.S.C. 67(b))."

FINANCING

SEC. 15. (a) Section 1010(a) of the Legal Services Corporation Act (42 U.S.C. 2996i(a)) is amended by inserting after the first sentence the following new sentence: "There are authorized to be appropriated for the purpose of carrying out the activities of the Corporation \$205,000,000 for the fiscal year 1978, and such sums as may be necessary for each of the two succeeding fiscal years."

Appropriation
authorization.

(b) The last sentence of section 1010(a) of the Legal Services Corporation Act (42 U.S.C. 2996i(a)) is amended to read as follows: "Appropriations for that purpose shall be made for not more than two fiscal years, and shall be paid to the Corporation in annual installments at the beginning of each fiscal year in such amounts as may be specified in Acts of Congress making appropriations."

HEARING EXAMINERS

Appointment.

SEC. 16. Section 1011(2) of the Legal Services Corporation Act (42 U.S.C. 2996j(2)) is amended by inserting before the period at the end thereof a comma and "and, when requested, such hearing shall be conducted by an independent hearing examiner. Such hearing shall be held prior to any final decision by the Corporation to terminate financial assistance or suspend or deny funding. Hearing examiners shall be appointed by the Corporation in accordance with procedures established in regulations promulgated by the Corporation".

EFFECTIVE DATES

42 USC 2996f
note.

SEC. 17. (a) (1) The amendment made by section 11 of this Act shall be effective six months after the first day of the first calendar month following the date of enactment of this Act.

42 USC 2996i
note.

(2) The amendment made by section 15 of this Act shall be effective with respect to fiscal years beginning after September 30, 1977.

42 USC 2996
note.

(b) The amendments made by provisions of this Act other than sections 11 and 15 shall be effective on the date of enactment of this Act.

Approved December 28, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-310 (Comm. on the Judiciary) and 95-825 (Comm. of Conference).

SENATE REPORT No. 95-172 accompanying S. 1303 (Comm. on Human Resources).
CONGRESSIONAL RECORD, Vol. 123 (1977):

June 9, 27, considered and passed House.

Oct. 12, considered and passed Senate, amended, in lieu of S 1303.

Dec. 7, House agreed to conference report.

Dec. 15, Senate agreed to conference report.

Public Law 95-223
95th Congress

An Act

With respect to the powers of the President in time of war or national emergency.

Dec. 28, 1977

[H.R. 7738]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Wartime or
national
emergencies.
Presidential
powers.

TITLE I—AMENDMENTS TO THE TRADING WITH THE
ENEMY ACT

REMOVAL OF NATIONAL EMERGENCY POWERS UNDER THE TRADING WITH
THE ENEMY ACT

SEC. 101. (a) Section 5(b) (1) of the Trading With the Enemy Act is amended by striking out “or during any other period of national emergency declared by the President” in the text preceding subparagraph (A).

50 USC app. 5.

(b) Notwithstanding the amendment made by subsection (a), the authorities conferred upon the President by section 5(b) of the Trading With the Enemy Act, which were being exercised with respect to a country on July 1, 1977, as a result of a national emergency declared by the President before such date, may continue to be exercised with respect to such country, except that, unless extended, the exercise of such authorities shall terminate (subject to the savings provisions of the second sentence of section 101(a) of the National Emergencies Act) at the end of the two-year period beginning on the date of enactment of the National Emergencies Act. The President may extend the exercise of such authorities for one-year periods upon a determination for each such extension that the exercise of such authorities with respect to such country for another year is in the national interest of the United States.

Termination or
extension,
effective date.
50 USC app. 5
note.

(c) The termination and extension provisions of subsection (b) of this section supersede the provisions of section 101(a) and of title II of the National Emergencies Act to the extent that the provisions of subsection (b) of this section are inconsistent with those provisions.

50 USC 1601.
50 USC 1601
note.

(d) Paragraph (1) of section 502(a) of the National Emergencies Act is repealed.

Repeal.
50 USC 1651.

WARTIME AUTHORITIES

SEC. 102. Section 5(b) (1) of the Trading With the Enemy Act is amended—

Supra.

(1) in the text preceding subparagraph (A), by striking out “or otherwise,” the first time it appears; and

(2) by striking out “; and the President may, in the manner hereinabove provided, take other and further measures not inconsistent herewith for the enforcement of this subdivision”.

50 USC app. 16. SEC. 103. (a) Section 16 of the Trading With the Enemy Act is amended by striking out "\$10,000" and inserting in lieu thereof "\$50,000".

50 USC app. 5. (b) Section 5(b)(3) of such Act is amended by striking out the second sentence.

International
Emergency
Economic Powers
Act.

TITLE II—INTERNATIONAL EMERGENCY ECONOMIC POWERS

SHORT TITLE

50 USC 1701
note.

SEC. 201. This title may be cited as the "International Emergency Economic Powers Act".

SITUATIONS IN WHICH AUTHORITIES MAY BE EXERCISED

Unusual and
extraordinary
threat.
Presidential
declaration of
national
emergency.
50 USC 1701.

SEC. 202. (a) Any authority granted to the President by section 203 may be exercised to deal with any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States, if the President declares a national emergency with respect to such threat.

(b) The authorities granted to the President by section 203 may only be exercised to deal with an unusual and extraordinary threat with respect to which a national emergency has been declared for purposes of this title and may not be exercised for any other purpose. Any exercise of such authorities to deal with any new threat shall be based on a new declaration of national emergency which must be with respect to such threat.

GRANT OF AUTHORITIES

50 USC 1702.

SEC. 203. (a) (1) At the times and to the extent specified in section 202, the President may, under such regulations as he may prescribe, by means of instructions, licenses, or otherwise—

(A) investigate, regulate, or prohibit—

(i) any transactions in foreign exchange,

(ii) transfers of credit or payments between, by, through, or to any banking institution, to the extent that such transfers or payments involve any interest of any foreign country or a national thereof,

(iii) the importing or exporting of currency or securities; and

(B) investigate, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest; by any person, or with respect to any property, subject to the jurisdiction of the United States.

Records,
maintenance and
availability.

(2) In exercising the authorities granted by paragraph (1), the President may require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in paragraph (1) either before, during, or after the completion thereof, or relative

to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of such paragraph. In any case in which a report by a person could be required under this paragraph, the President may require the production of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person.

(3) Compliance with any regulation, instruction, or direction issued under this title shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, this title, or any regulation, instruction, or direction issued under this title. Liability.

(b) The authority granted to the President by this section does not include the authority to regulate or prohibit, directly or indirectly—

(1) any postal, telegraphic, telephonic, or other personal communication, which does not involve a transfer of anything of value; or

(2) donations, by persons subject to the jurisdiction of the United States, of articles, such as food, clothing, and medicine, intended to be used to relieve human suffering, except to the extent that the President determines that such donations (A) would seriously impair his ability to deal with any national emergency declared under section 202 of this title, (B) are in response to coercion against the proposed recipient or donor, or (C) would endanger Armed Forces of the United States which are engaged in hostilities or are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances.

CONSULTATION AND REPORTS

SEC. 204. (a) The President, in every possible instance, shall consult with the Congress before exercising any of the authorities granted by this title and shall consult regularly with the Congress so long as such authorities are exercised. 50 USC 1703.

(b) Whenever the President exercises any of the authorities granted by this title, he shall immediately transmit to the Congress a report specifying—

(1) the circumstances which necessitate such exercise of authority;

(2) why the President believes those circumstances constitute an unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States;

(3) the authorities to be exercised and the actions to be taken in the exercise of those authorities to deal with those circumstances;

(4) why the President believes such actions are necessary to deal with those circumstances; and

(5) any foreign countries with respect to which such actions are to be taken and why such actions are to be taken with respect to those countries.

(c) At least once during each succeeding six-month period after transmitting a report pursuant to subsection (b) with respect to an exercise of authorities under this title, the President shall report to the

Congress with respect to the actions taken, since the last such report, in the exercise of such authorities, and with respect to any changes which have occurred concerning any information previously furnished pursuant to paragraphs (1) through (5) of subsection (b).

50 USC 1641. (d) The requirements of this section are supplemental to those contained in title IV of the National Emergencies Act.

AUTHORITY TO ISSUE REGULATIONS

50 USC 1704. SEC. 205. The President may issue such regulations, including regulations prescribing definitions, as may be necessary for the exercise of the authorities granted by this title.

PENALTIES

50 USC 1705. SEC. 206. (a) A civil penalty of not to exceed \$10,000 may be imposed on any person who violates any license, order, or regulation issued under this title.

(b) Whoever willfully violates any license, order, or regulation issued under this title shall, upon conviction, be fined not more than \$50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

SAVINGS PROVISION

50 USC 1706.
50 USC 1601
note. SEC. 207. (a)(1) Except as provided in subsection (b), notwithstanding the termination pursuant to the National Emergencies Act of a national emergency declared for purposes of this title, any authorities granted by this title, which are exercised on the date of such termination on the basis of such national emergency to prohibit transactions involving property in which a foreign country or national thereof has any interest, may continue to be so exercised to prohibit transactions involving that property if the President determines that the continuation of such prohibition with respect to that property is necessary on account of claims involving such country or its nationals.

(2) Notwithstanding the termination of the authorities described in section 101(b) of this Act, any such authorities, which are exercised with respect to a country on the date of such termination to prohibit transactions involving any property in which such country or any national thereof has any interest, may continue to be exercised to prohibit transactions involving that property if the President determines that the continuation of such prohibition with respect to that property is necessary on account of claims involving such country or its nationals.

50 USC 1622. (b) The authorities described in subsection (a)(1) may not continue to be exercised under this section if the national emergency is terminated by the Congress by concurrent resolution pursuant to section 202 of the National Emergencies Act and if the Congress specifies in such concurrent resolution that such authorities may not continue to be exercised under this section.

50 USC 1601. (c)(1) The provisions of this section are supplemental to the savings provisions of paragraphs (1), (2), and (3) of section 101(a) and of paragraphs (A), (B), and (C) of section 202(a) of the National Emergencies Act.

(2) The provisions of this section supersede the termination provisions of section 101(a) and of title II of the National Emergencies Act to the extent that the provisions of this section are inconsistent with these provisions.

50 USC 1601,
1621.

(d) If the President uses the authority of this section to continue prohibitions on transactions involving foreign property interests, he shall report to the Congress every six months on the use of such authority.

Report to
Congress.

SEC. 208. If any provision of this Act is held invalid, the remainder of the Act shall not be affected thereby.

Severability.
50 USC 1701
note.

TITLE III—AMENDMENTS TO THE EXPORT ADMINISTRATION ACT OF 1969

AUTHORITY TO REGULATE EXTRATERRITORIAL EXPORTS

SEC. 301. (a) The first sentence of section 4(b)(1) of the Export Administration Act of 1969 is amended to read as follows: "To effectuate the policies set forth in section 3 of this Act, the President may prohibit or curtail the exportation, except under such rules and regulations as he shall prescribe, of any articles, materials, or supplies, including technical data or any other information, subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States."

50 USC app.
2403.
50 USC app.
2402.

(b) (1) Section 4(b)(2)(B) of such Act is amended—

(A) in the first sentence, by striking out "from the United States, its territories and possessions,"; and

(B) in the second sentence—

(i) by striking out "from the United States"; and

(ii) by striking out "produced in the United States" and inserting in lieu thereof "which would be subject to such controls".

(2) Section 6(c)(2)(A) of such Act is amended by striking out "from the United States, its territories or possessions,".

50 USC app.
2405.

Approved December 28, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-459 (Comm. on International Relations).

SENATE REPORT No. 95-466 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

July 12, considered and passed House.

Oct. 11, considered and passed Senate, amended.

Nov. 30, House concurred in certain Senate amendments, in others with amendments.

Dec. 7, Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 53:

Dec. 28, Presidential statement.